

COLUMBIA JOURNALISM REVIEW

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THE 1969 COLUMBIA JOURNALISM REVIEW

SUMMER, 1969

... to assess the performance of journalism in all its forms, to call attention to its shortcomings and strengths, and to help define—or redefine—standards of honest, responsible service . . .

... to help stimulate continuing improvement in the profession and to speak out for what is right, fair, and decent.

COLUMBIA JOURNALISM REVIEW

Summer, 1969

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Passing comment: views of the editors

News managements

Like a drowsy watchdog shaking off a long winter's nap, the Federal Communications Commission has been snapping and growling at the broadcast industry throughout the first half of 1969. Not only did the commission lift the license of a major Boston television station, but it is making threatening sounds at other licensees. Two of these cases directly involve the quality of broadcast journalism in newspaper-controlled stations, which theoretically should know better.

Superficially, the cases of WPIX, controlled by the New York *Daily News*, and KRON, operated by the *San Francisco Chronicle*, are similar, for both stations are charged with distorting news. But there are distinct differences. KRON-TV has collected laurels in the past for its energetic production of documentaries; WPIX news has been notable largely for its management's policy of salutary neglect. KRON stands accused by a former cameraman of suppressing news involving the 1967 newspaper merger and other items concerning management; WPIX is charged with the shabby makeshifts (e.g., falsely labeled film) resorted to by cut-rate news operations. (A survey issued by Commissioners Cox and Johnson showed that in a composite week WPIX devoted 2 per cent of its time to news—the lowest percentage in all of New York State.)

Each case has had its bizarre footnote. In the KRON case, the man who inspired the current investigation has charged that the *Chronicle* company is making him a Ralph Nader—that is, putting him under scrutiny by private investigators who have been seeking damaging details of his private life. The circumstances were laid out in full in the May 22 issue of *The San Francisco Bay Guardian*, an enterprising local weekly.

In the WPIX case, a mystery surrounds the seemingly hasty renewal of the station's license despite the complaints and the efforts of a competing group to bid for the license. The renewal was later withdrawn pending an investigation. As Jack Gould wrote in *The New York Times* of June 29, the FCC, because of its curious actions, "is now fully as much in the dock as the *Daily News*."

Vendetta

One of the less appetizing developments that has come with the re-awakening of the FCC is the shrill response of *Broadcasting*, the leading magazine of the industry—particularly its efforts to rout Commissioner Nicholas Johnson from office. In the *Saturday Review* of April 12, Robert Lewis Shayon took note of this campaign:

A look at the record is instructive—thirty pieces of news and editorials (the two are often hard to separate), beginning December 5, 1966, and ending March 17, 1969. They reveal a pattern that emphasizes slogan and invective rather than the serious debate of issues on their merits.

Nor did the efforts end on March 17. *Broadcasting* for April 7 included the following item:

Crushing sorrow

While other offices at FCC functioned on normal schedules last Friday, suite occupied by Commissioner Nicholas Johnson and personal staff was shut tight, with this notice posted on main door: "In observance of the anniversary of the death of Martin Luther King, this office will be closed Friday, April 4." That made two days off for Mr. Johnson and staff last week. All government offices in Washington were closed on Monday, March 31, in morning for President Eisenhower. But no legal holiday was declared on anniversary of Dr. King's death.

What has touched off this bitterness? It is Johnson's stated criticisms of things as they have been

in the broadcast industry and his presumed enmity to its present custodians.

Yet broadcast journalists should pause before they place Johnson in the unfriendly camp. In at least two recent cases, he has shown deep concern with the freedom of broadcast news: first, for consequences to journalism in his opposition to the proposed merger of ABC into ITT; and, this spring, in refusing to join the FCC majority in its criticism of WBBM-TV, Chicago, for its broadcast, "Pot Party at a University," on grounds that the program was staged and thus induced commission of a crime. Johnson wrote: "Society benefits from full, free, and untrammelled investigative reporting. It may, for example, be important for the public to learn about the distribution of birth control information—a crime in some states. But it may only be possible for a television news staff to present a documentary on this problem, if, to some extent, it 'arranges' to be present when the information is conveyed."

In court

Even as the FCC kept busy, the courts laid down important principles in cases that had passed beyond the commission's jurisdiction. On June 9, the Supreme Court upheld the constitutionality of the FCC fairness doctrine, the rules that require broadcasters to present balanced programming on public issues. Justice Byron R. White wrote that the rules "enhance rather than abridge the freedoms of speech and press protected by the First Amendment." He added: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

Similarly, public rights were emphasized in the opinion by Warren E. Burger in the case of WLBT-TV, Jackson, Mississippi. (It was one of Burger's last opinions as an Appeals Court judge before he became Chief Justice of the United States.) Three years ago, Judge Burger had ruled that the United Church of Christ had the right on behalf of the public to protest the WLBT license renewal on grounds of racial discrimination in news programming. The FCC granted the renewal nonethe-

less, and on June 23, 1969, Judge Burger canceled the renewal.

Another public right

As a result of a civil suit filed by an attorney of the New York Civil Liberties Union, the New York Police Department has affirmed the right of any citizen to gather information at a news event, whether or not the individual carries formal press credentials. The policy arose from complaints in 1968 that police had interfered with efforts by three persons without credentials to take pictures of police actions at a demonstration. It is refreshing to have a police order say:

One of the most precious freedoms that we enjoy in this country is that of freedom of the press, and no member of this department shall do anything to interfere with the otherwise legitimate gathering of news be it by a reporter of a duly recognized news-gathering agency, a free-lance operator, or the representative of a small private publication.

The order is a healthy reminder, moreover, to the practitioners of journalism that they are exercising a general public right, not the exclusive privilege of a chosen few.

By contrast, the police-press scene in Chicago was muddled in June with the acquittal of three policemen charged with beating a *Daily News* reporter during the Democratic convention last August. There was no doubt that the policemen performed the beating, but the jury found the three not guilty on federal charges of having deprived a citizen of civil rights through summary punishment. The reporter, John O. Linstead, had stepped out of his professional role to shout at the police, obscenely, to stop beating people, and was beaten himself.

Although the indictments stemmed partly from prompting by publishers, Linstead probably has every right to resent lack of support among fellow journalists. Jack Mabley of *Chicago's American* (which became *Chicago Today* later in the spring) organized a defense fund for the policemen involved in the Linstead and other indictments. And

of the four Chicago papers, *Chicago Today* and the *Tribune* supported the police, the *Sun-Times* said nothing, and only Linstead's own paper, the *Daily News*, criticized the verdict—although somewhat ambiguously. Certainly the estrangement between the younger reporters and the journalism establishment that led to the founding of the monthly *Chicago Journalism Review* still exists, as does the *Review* itself.

Fabrication

Herewith, a report on an incident in labor journalism by Don Stillman, an instructor in journalism at the University of West Virginia:

Last November, a series of explosions ripped through a coal mine in Mannington, West Virginia, trapping seventy-eight miners. For days the national news media focused the country's attention on rescue operations that ultimately proved unsuccessful. It takes little imagination to recognize that to die in the damp darkness a mile underground is among the most horrible of all deaths. This made a story that dominated the news for a week.

The dramatic coverage and the scope of the tragedy created coal-mining health and safety as an instant political issue. There was the usual hand-wringing that follows any disaster, but strong health and safety legislation was introduced in the 91st Congress. And the miners themselves began to revolt against their unsafe and unhealthy working conditions.

Dr. Ken Hechler, a former Columbia University professor and now a U. S. Representative from West Virginia, has been one of the few in the forefront of the movement to improve conditions for the coal miners. He introduced a health-safety bill backed by the Johnson administration eight months before the Mannington disaster. Since then, he has been prolific in his criticism of coal mine owners and operators, of federal and state mine inspectors, and of lawmakers willing only to approve health and safety laws that he believes are inadequate.

But his most telling revelations have concerned the United Mine Workers Union of America, which claims a membership of 144,000 miners. Once a vigorous defender of the workingman in the heyday of the late John L. Lewis, the UMW has grown sluggish in recent years, partly because of a contract negotiated with coal operators that gives the union's pension fund a 40-cent royalty for every ton of coal mined.

The chief vehicle of communication between the UMW and its members is the twice-monthly *United Mine Workers Journal*. It is filled with pictures and praise for UMW president W. A. (Tony) Boyle and other union officials. Tucked between the effusions for Boyle are occasional recipes for the miners' wives.

The *Journal* has recently begun detailed accounts of various mine disasters. But until 1968 it said little about the widespread black lung disease or pneumoconiosis striking down thousands of its members. Because the *Journal* is read by the miners while other newspapers and periodicals are not, the failure of the *Journal* to discuss such a pressing issue was unfortunate. The fact that the publication allows no letters to the editor or articles by those who might disagree with the union membership makes it even worse.

But recently, the *Journal* went beyond its previous errors of omission to resort to fabrication.

The *Journal*, in an article by its assistant editor, Rex Lauck, purports to quote from an article on Hechler in the April, 1959, issue of *Pageant* magazine. Entitled "How To Get Elected To Congress," the article discussed Hechler's successful campaign for Congress in 1958 while he was a political science professor at Marshall University in Huntington, West Virginia.

The original *Pageant* article is an interesting and favorable treatment that included Hechler's "Ten Rules for Campaigners":

Pay attention to the average person; Be true to your own personality; Be constructive and campaign cleanly; Turn every attack on you into an asset. Couple an immediate answer with your own constructive approach to the problem; Remember—your most effective workers

are under 20 and over 60; Avoid strategy meetings that cause dissension, waste time; Venture forth around the district every day. Don't be deskbound; Don't tie your hands with job promises; Don't promise the moon to pressure groups; Be able to laugh at yourself and enjoy it.

The version read by the 144,000 members came through the *Journal* editors with some interesting distortions. Their article began by stating that they found it hard to understand why Hechler had been critical of the UMW until someone called their attention to the 1959 article in *Pageant*. The *Journal* article went on to state:

The following quoted sentences are Hechler's own ideas, not something somebody else said about him. He advised: "First you pop off to get attention, regardless of the merit of your ideas; Then you pose as the champion of the average man against the 'interests'; Then you are rebutted, no matter how strong the facts against you you reply at once as the single, lonely campaigner seeking the sympathetic support traditionally given the underdog; The truth of your statement or the merit of your argument has nothing to do with your response or your conduct; Finally you adopt the imaginary 'we' as the shining knight defending the oppressed people against imaginary brutalities of the 'interests.' "

That explains much about how this man Hechler operates. Shades of Joe McCarthy.

The distortions of the UMW *Journal*, in addition to being dishonest, cannot help but confuse the poorly educated miners—and possibly convince them that their true friends are their enemies and their enemies are their friends.

Shades of Joe McCarthy.

DON STILLMAN

Persistence of error

The Associated Press's *AP Log* has thrown light on the difficulty of getting corrections made in newspapers. On April 29, the AP sent out a story on the federal Model Cities program saying that it had cost the taxpayers \$25 billion since its establishment in 1966. Thirty-one minutes later, a correction, reducing the figure to \$23 million, was sent. The time was 5:34 p.m. Eastern Time. Yet, of twelve papers of the following morning checked,

AP found that only six had made the right change, while four had left the original number standing, and two had changed \$25 billion only to \$23 billion.

Decline of West

The *Review* notes that *West*, the Sunday magazine of the *Los Angeles Times* (praised in the *Review* of spring, 1967) has been converted in part into a vehicle for travel advertising, held apart by the customary revenue-related articles. Two recent examples are the section on "The Booming Republic of China" (January 20, 1969) and Mexico (April 20, 1969).

Sensation

Morton Mintz of *The Washington Post*, who wrote the two-part article on coverage of The Pill in the winter and spring issues, calls attention to the front page of the *Chicago Daily News* of May 1, 1969, which, he writes, "seems to me to portray just about everything that's wrong all over again: the sensational—how sensational—play. The scanty foundation—mere testing, very inconclusive." In addition, the *Review* notes the hoary copyright line above the story, an ancient device for inflating importance, and the exclamation point following the headline.

No bigger than a man's hand

A new theme has been sounding increasingly in European journalism: that editorial independence can be asserted in defiance of property rights—in other words, that the owner of a newspaper or magazine does not have the right to dictate its content, or, for that matter, the views or composition of its personnel. The journalists on *Le Monde* and *Le Figaro* of Paris and *Stern* of Bonn have sought (and two of them have won) a new autonomy.

Such autonomy has not been asserted formally in American journalism, which has always subscribed to the belief that there is ultimately no defense against the firm desires of ownership, no matter how misguided such views might be. The American Newspaper Guild has confined its efforts largely to protection against economic injustice. Moral and intellectual justice has had no organized defense.

The events in Europe have shown that it is not revolutionary to think of limitations on the power of ownership. At *Stern*, the basis for such division of power was that "the editorial staff has made a major contribution to the ideals, and thereby also the material value, of *Stern*." In the United States, such would be the case in any vital publication; in addition, formal grants of powers of editorial and news staffs might provide sound professional guarantees against the possible dangers in conglomerate managements that could tend to degrade news organizations.

Informally, American journalism has developed much of this news autonomy. Perhaps, with their eyes on Europe, American journalists can ask whether what they have is enough, or do they have the right to maintain their job security with their moral independence?

Times jumps gun

Gay Talese's work about *The New York Times*, seen fragmentarily since 1966 in *Harper's* and *Esquire*, emerged as a book this spring, under the

title *The Kingdom and the Power* and under the imprint of The World Publishing Company, a subsidiary of the *Los Angeles Times*. The first general public notice the book received came a month before its official publication, in the May 21 *New York Times*. For this audacity in reviewing the book (not entirely unfavorably), Christopher Lehmann-Haupt was widely chastised, with Murray Kempton, in the *New York Post*, calling him "the really useless company man, the one with too little sense of the company's dignity." In the local *Newsletter on the State of the Culture*, Talese was quoted as saying Lehmann-Haupt did it "to fortify his own position." Harold Hayes, editor of *Esquire*, was quoted in the same place as saying that Lehmann-Haupt "has proved himself to be a true *Times* organization man." So much for Lehmann-Haupt, who had joined the *Times* too late to qualify for treatment in the book proper.

Later reviewers generally greeted the book genially. (An essay-review by Nat Hentoff is scheduled for the fall issue of the *Review*.)

What's that?

Averell Harriman has unwillingly offered a demonstration that the mass media remain deaf to what they do not expect to hear. Thrice he revealed that the halt in the bombing in North Viet Nam in October, 1968, had been followed by a withdrawal of Vietnamese forces—but that American forces had maintained pressure on the battlefield. Harriman first mentioned the circumstances over CBS on May 14, 1969, in an interview following President Nixon's address on Viet Nam. His interviewer swept the matter aside and pressed for comment on the Nixon address. Next Harriman covered the matter again at a speech to a dinner of the American Jewish Committee on May 15. The media—and particularly *The New York Times*, which had the prime local obligation—failed to pick up the cue. Finally, on May 25, Harriman's revelations appeared far down in an interview story in the *Times*. On May 26, Harriman was quoted in the *Times* as saying: "I've always found you have to tell things

twenty times before they sink into the public mind." (All this is adroitly and pointedly summarized by I.F. Stone in *The New York Review of June 19, 1969*.)

Oh, Daily News!

The Review has had an unusual opportunity to review a stage presentation:

Anyone in the mood to celebrate fifty years of the New York *Daily News* had a unique opportunity to do so this spring and summer. By going to the Radio City Music Hall he could have seen what John Chapman, the *News's* drama critic, described as "the first musical spectacle about a real newspaper."

For no additional charge he could have seen a movie as well.

Chapman's prudent full-length review of the show ("Dateline—Daily News!") on May 23 carefully avoided the value judgments one expects from a reviewer, unless his request to the *News* management for "some Rockettes, with their lovely straight legs," as copy girls could be so described. No fool he. The program was straight out of the thirties—mechanical mass dances, grandiose sound and lighting effects, old-favorite-type songs with some new inane lyrics, orchestra platform going up and down—with a few 1960's touches added for self-conscious updating. These consisted of mixed-media effects (such as huge films serving as a backdrop for the performers—i.e., filmed Rockettes behind real Rockettes, etc.) with topical references to computers, a big finale with a rocket going off on stage, and a "harvest moon ball" staged on the moon by the Indians who presumably live there. (When the lunar module landed on the moon, incidentally, two Rockettes got out to dance while a moon band played a military march. You didn't see *that* on television.)

What did any of this have to do with the *Daily News*? Well, first there were the titles of the acts—"The Inquiring Photographer," "Centerfold," and so on. Then, a number of blown-up *News* front pages were flashed on screen. Finally, several short

news films were shown of things that have happened since the *News* has been in business. If the *News* covered the story presumably the event itself counts as part of the paper's fifty years of credits. The most elaborate item, for example, consisted of NASA films of the lunar surface, with space travel animations by Grumman Aircraft.

So much for the program; if it had been intended as a take-off of the stage style of the thirties it would be called camp, but since it wasn't another name will have to be found. What really gives pause to a jaded spectator was the total erasure of the line between "entertainment" and commercial advertising. The straightforward gall of it commands respect. Can you see yourself knowingly paying a substantial admission fee for the privilege of watching an hour-long promotion for Buicks, Post Toasties, or Listerine? Consider the response from an audience to one of those, making due allowance for television brainwashing.

But no complaints were registered here. It is a reminder to publishers, some of whom need it, of the extent to which readers accept newspapers as public institutions rather than as commercial enterprises, even when the publishers themselves don't.

LEONARD C. LEWIN

Reporting on Fortas

Outstanding investigative reporting marked the journalism of the Abe Fortas affair in May. Prime credit goes to William Lambert of *Life*, who began to dig out the details of the relationship between Fortas and the financier Louis Wolfson. The resulting article in the issue of May 9 was in the best tradition of the original muckrakers—impeccable in detail and unchallengeable in conclusions. Nonetheless, *Newsweek* was able to develop details of the impact of the case inside the government in its issue of May 19 and presented an outstanding summary. Finally, Andrew Kopkind and James Ridgeway wrote an illuminating essay on the operations of the Fortas law firm in the weekly newsletter of which they are co-editors, *Hard Times*.

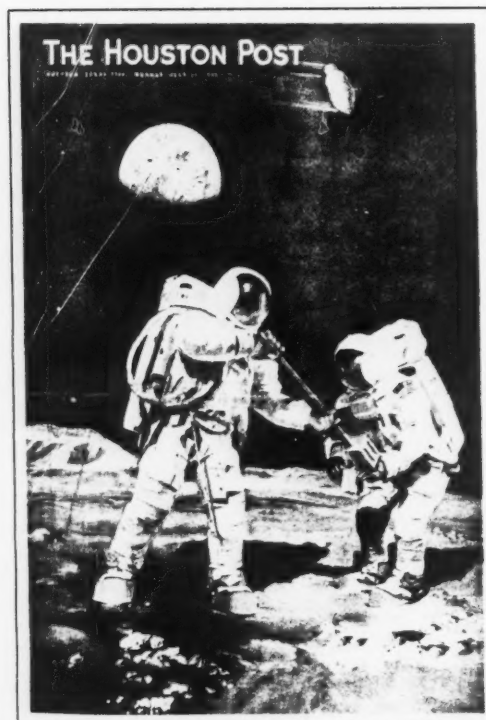
All out for the moon

Compiled by
HILLIER KRIEGHBAUM

Morning papers of July 21, 1969, had a chance to exercise their imaginations on what *AP Log* called "the most spectacular story of the century." Eighteen major papers were checked for this survey, with the following conclusions: Most popular headline: "Men Walk on Moon" or slight variations thereof. Ten featured Neil Armstrong's statement, "That's one small step for [a] man, one giant leap for mankind." Most devoted the entire front page to the landing, but *The Washington Post* made room for three unrelated stories. Twelve papers used pictures from the lunar television broadcast; the others used illustrations.



Chicago Tribune emphasized nationality



Houston Post, as astronauts' home base, had outside wrapper (above) and chummy inside front page



The New York Times used both its largest headline size and its first poem in history on page one

Washington: the workhorse wire services

JULES WITCOVER

The majority of American newspapers depend for Washington news on the two major wire services. How well are they doing their job today?

■ Although each year the Washington press corps grows larger as more individual newspapers respond to the increasing scope and complexity of government news, the burden of reporting to the bulk of American readership continues to be borne by the two major wire services, the Associated Press and United Press International. The overwhelming majority of newspapers still do not have their own Washington men, and the wires' responsibility actually may have grown rather than shrunk as the press corps has been enlarged. More Washington correspondents for individual publications are moving almost exclusively into the realm of interpretative, analytical, and "depth" reporting, leaving the traditional news-gathering to AP and UPI. "Let the wires handle it" has become a theme song in many

Washington bureaus, and the theme not only is accepted but strongly endorsed by editors back home who no longer want to pay premium wages to get duplication of wire-service copy produced by their own by-liners.

How do the wires handle news in Washington? It must be said at the outset that their performance is as critical to all of the Washington news-gathering community as it is to user newspapers around the country. Without the wires' efforts as a backstop on routine news, the individual Washington correspondent or "Special" never could turn his attention to enterprise or interpretative reporting; new directions could not be charted by the smaller bureaus. So common an institution as a long lunch with a top news source would not be nearly so possible without the knowledge that the wires are in the trenches at all times. Also, without the wires' information-gathering service—disseminated on the Washington city wire into the offices of most other bureaus as well as to leading government press sec-

Jules Witcover of the Newhouse National News Service regularly writes from Washington for the Review.

retaries and PIOs—the Specials would be severely handicapped in keeping tabs on the daily flow of news and controversy in the Capital.

Before there can be interpretation there must be facts, and the wire services by tradition, discipline, manpower, and organization are best equipped to provide those facts in volume. AP's Washington staff, headed by the veteran reporter and editor Marvin Arrowsmith, numbers about 150, of whom 88 are editorial workers, and is by far the largest news-gathering organization in the Capital. UPI, under another veteran, Julius Frandsen, has about 90 employees.

Wire-service objectivity has been a pillar on which news editors across the country have leaned over the years; the awareness that thousands of editors of diverse viewpoints are reading his copy is a powerful caution to the wire-service reporter. He has been trained to "write it down the middle" and if he is good, he does. This does not mean that the old concept of what constitutes objectivity has not been altered. The pressures that have been felt by individual newspapers to analyze and background the news—pressures from television and from more sophisticated newspapering generally—have been felt by the wire services too. The old idea that factual reporting was simply quoting what the man said has been severely challenged. "The old AP objectivity was a phony," says a former long-time staffer in Washington. "You said what Joe McCarthy said and you couldn't say it was a goddam lie. And a lot of people were aware this wasn't enough, but we did it anyway."

In breaking out of such false objectivity, the wires remain compelled to demonstrate a kind of "fairness" that is not always the best reporting and analysis. "Editors want interpretation from us, but not just thumb-suckers," says Jack Bell, the AP's veteran chief political writer. "The wires are under more compulsion to give both sides. When you've got 3,600 editors in the country and the story doesn't give both sides, you're in trouble. Some editor is going to write in and say the AP is biased."

In some interpretative stories, however, giving both sides equal space can be an evasion rather than fairness. Not in all stories, nor in many for that

matter, is there equal merit on both sides. Such "unbalanced" stories cause a problem for any Washington reporter who attempts to be fair to the principals involved and truly informative to the reader. But it is particularly a problem for the wire-service man. Usually he will not be able or inclined to climb nearly as far out on a limb as will the Special who knows he has a mandate from his editor back home to interpret and analyze—and to come down clearly on one side if his professional evaluation of the situation so dictates. Nor can the wire-service man usually afford another luxury of the Special—the complete sidebar or backgrounder interpreting news presented elsewhere in the paper. The wire man writes for thousands of small papers whose news hole is consistently small and who therefore feel they must tell it all—the facts and the interpretation—in a single wire story. Something obviously must give in these circumstances, and again there must be facts before there can be interpretation, especially in a single composite story.

There are mechanical inhibitions too on the wire man against the kind of free-flowing analysis that regularly is produced by the Special. Most Washington newspaper reporters overhead their copy by commercial telegraph, and even those Specials in the largest bureaus who transmit via a closed teletype circuit usually can let stories run a reasonable length. But the wire-service man literally must compete for wire space, not only with his colleagues in the Washington bureau but with other reporters in the service all over the country. On a wire that runs around the clock, brevity is a virtue and often a necessity. A veteran AP or UPI desk man who must get as many good stories on the wires as possible on a given cycle is likely to attack the "soft" or analytical paragraphs with zest—particularly if he is an unreconstructed traditionalist who is not very sympathetic anyway to the new emphasis on interpretation. "If you want to get it on the A-wire," Bell says, "you'd better hold it down, or the desk will hold it down for you." The space pressure is not necessarily a drawback, of course. Grant Dillman, news editor of the UPI Washington bureau, says it requires the wire-service man to be more selective and to exercise more judgment. "If you

have good reporters," he says, "no one is better equipped to do this."

Undoubtedly the most critical restraint on greater movement into the realm of interpretative reporting, however, is the overriding fact that the wires are the prime processors of news in this country. "What they're really selling when you get right down to it is day-to-day vacuum cleaning," says a former wire man in Washington. Dillman puts it another way: "We still have to cover the ratholes." Editors in every corner of the country rely heavily on one or both of the major services to perform that function—to man the various government departments and agencies on a daily basis, picking up everything that is handed out, sifting it and processing it. To be at all secure in their work, conscientious telegraph editors outside Washington must feel that AP and UPI or both are watching to make sure they don't get burned. And in the sense that these editors are covered at all the press conferences and on all the handouts, they do not get burned very often. But they delude themselves if they believe that they are getting the whole story, or often even a good slice of it.

On Capitol Hill, for instance, where client editors may think the wire services are sitting in on every major committee hearing and reporting what actually happened, overworked AP and UPI staffs routinely make collection runs, visiting a number of committee hearings on any given morning, dutifully collecting witness' speech texts, and going back to the House or Senate press gallery to dictate or to grind out several stories. Far from its being digging reporting, it is not even routine reporting. It is skimming, and yet the results of that time-honored procedure go out over the wires to editors who think they are getting solid committee coverage. It has to be an important committee hearing to get the full morning's time of a wire man, and a very major one to receive the old-time shuttle treatment, with wire staffers moving in and out of the hearing room like stenographic reporters, dictating play-by-play, and rushing back to the room to relieve their colleagues.

This fact is related not to denigrate the wire services but to underline how, in a time when the

news explosion and public interest demand more analysis, the services do not have sufficient manpower even to do their straight-reporting job properly. Critics of interpretative reporting sometimes call the practice deceitful, arguing that what goes out as informed analysis is no more than concealed opinion. Undoubtedly that sometimes is the case, but by the same token "hard" news-gathering can be deceitful too, when what is offered as the comprehensive word on what has happened often is little more than the collection of handouts and a slick rewrite job on the typewriter. Specials as well as the wires are vulnerable to this charge, but the wires bear the fundamental responsibility.

The pressures of competition between AP and UPI also are a mixed blessing as far as receiving editors are concerned. They benefit from the hustle generated in each service, but often they suffer from hyped-up leads and insufficient fact-gathering in the rush to beat the opposition. Both services keep logs on how they fare in selected papers on a given story. The play, however, doesn't always indicate the accuracy or the completeness of a story.

The pressure to process the available rather than dig out the unavailable is not confined to Capitol Hill. Though the men assigned to the White House usually are first-rate, wire-service coverage there often falls into processing and racing for the phones. Admittedly, freedom of movement and availability of sources are sharply curtailed on this beat. It now is necessary to get clearance through the security guard to see White House staff sources not only in the White House itself but in the adjacent Executive Office Building where many of the second-echelon—and most helpful—Administration staff members have their desks. Still, a routine of spoon-feeding has developed over the years on which the wire services, as the omnivores of the trade, are particularly dependent. One recently departed UPI reporter says, "They troop into the press secretary's office for their feedings at 11 and four o'clock, then march out and regurgitate it." It is true that most of the two-a-day briefings are replete with routine dispensing and collecting of trivia. Attempts by newsmen to elicit refinements on the trivia, though

often aimed at getting more substantive information, usually only gild the daisy.

Elsewhere too in the bureaucracy, the wire services by virtue of their primary responsibility to man all posts are reduced to collectors and processors rather than diggers and analysts. Specials' bureaus can elect to trim or even junk the old beat system, knowing the wires are there, but AP and UPI cannot. Thus they are faced with a challenge that is at once more complex and potentially much more costly than any faced by the Specials, if wires are to continue to man the ramparts and at the same time join in the increasing trend toward enterprise and interpretative reporting.

The Washington bureaus of both the AP and UPI are well aware, of course, of the greater demand to move out from routine coverage, and each in its way is attempting to meet that demand. The development of a number of new supplementary news services—particularly the very successful Washington Post-Los Angeles Times News Service and the New York Times News Service—have put pressure on the wires, and especially on UPI, which has to maintain a subscriber list. More newspapers are considering a split in how their wire budget is spent. Instead of joining AP and also subscribing to UPI, the efficacy of using one straight wire service and one of the main supplementary services is beginning to come home to them. And while this kind of pressure works to push AP and UPI toward more interpretative reporting, other recent developments also keep the heat on in the spot news field. The growth of the highly competitive Dow-Jones business wire and Reuters' domestic service in the United States make it more difficult than ever for wire-service beat men to stop to appraise the significance of a government action, or even to take soundings with informed public and private officials, before letting fly with their stories.

One relatively simple avenue the wires have used to give newspapers more interpretation has been a liberalizing of content and technique in writing the overnight. Long gone are the overnight program leads telling the reader that "Secretary of Defense Melvin R. Laird goes before the House Armed Services Committee this afternoon to discuss the

anti-ballistic-missile system." By the time the afternoon papers reach most readers with that kind of lead, the readers not only will have heard about it on radio and television, but probably will have heard what Laird said. The overnight writer today must reach out for a new development or try to project where the situation about which he is writing is headed. "We can't keep a story alive as long as we used to," says Dan Rappaport, a veteran UPI man on Capitol Hill. "But it reduces the mechanical side of the job and makes it more interesting."

The more free-wheeling overnight, however, is only one small step toward the new dimensions individual newspapers are seeking. Both wires have taken notice of the trend by giving new emphasis to the big takeout—the blockbuster, the summary roundup, and the like. Feature writers who may have tended toward the frills increasingly are undertaking more meaty subjects, and although they usually do not go as far in independent analysis as the Specials do, they are bringing their readers much more than the old who-said-what.

By far the most interesting recent development in either of the Washington wire-service bureaus has been the creation of the AP special assignment team. About two years ago Wes Gallagher, the AP's general manager in New York, decided to create a team of ten investigative reporters and an editor who would be cut free of other duties to dig out what the AP likes to call "the submerged dimension" in government activities. The need for this sort of thing, of course, long had been the subject of talkathons among editors at annual AP managing editors' meeting. For a brief time before the special assignment team was formed, there had existed a three-man forerunner in the AP Washington bureau known among other staffers, with a mixture of derision and envy, as "the Untouchables." The three reporters—Sterling Green, Ray Crowley, and Walter Mears—had gained the name because they supposedly were not to be pulled away to do the menial tasks that befall most wire reporters. But The Untouchables had no real focus or direction, and it was not until Gallagher made the major commitment of an eleven-member team that the idea began to pay tangible dividends.

For reasons of personality, experience, and the restrictions of wire-service reporting, the special assignment team had an uneven beginning. Although it was viewed from the outside as the AP's answer to depth reporting, it really did not break new ground in interpretation or analysis, nor did it even penetrate these fields as deeply as many individual newspapers have done. Its concentration was, rather, hard-nosed investigation, with the object not so much explaining what already was known as it was revealing what had not been known. The AP prefers the word "enterprise" to "exposé," but it was and is a matter of semantics. "What this group is after," Marvin Arrowsmith says, "is page-one caliber."

Some of the men originally selected for the team, it turned out, were not cut out for that kind of reporting, or they preferred beat coverage or working on the major daily stories. Some were top writers but investigation was not their forte; others who knew how to dig felt themselves boxed in by traditional wire-service caution and the old firm requirement for attribution. In this kind of reporting, they argued, in which sources put their jobs on the line by talking to newsmen, attribution to specific sources simply was not possible. In this shakedown period, some stories were spiked by editors who argued that without documentation or quotable sources, the stories read like opinion. Two of the AP's most experienced and outstanding feature writers assigned to the team from AP News-features, Bem Price and the late Art Edson, quit and went to work for *U.S. News & World Report*.

As these men and others left or were shifted back to their old jobs, the special team slots were filled predominantly by young comers in the AP. The Washington bureau veteran science reporter, Frank Carey, and its fairly new education man, Garvin Hudgens, also were included. Ray Stephens, a tough-minded New York editor sent down to take over the team, gave it direction and made it productive and effective.

In the last calendar year, according to Stephens (now bureau news editor), the team turned out 268 separate stories developed from various sources—from lucky tips to diligent digging. Among the

stories uncovered were: the bureaucratic bungling in the development, cost, delivery, and performance of the M-16 rifle; the award of a \$13.9 million contract to a firm under grand jury investigation for fraud and kickbacks; the award of a \$900,000 Small Business Administration disaster loan to a Democratic party worker to repair \$200,000 worth of flood damage to his Alaska hotel; a secret government report on government corruption in Saigon; use of dollars instead of counterpart funds by U.S. officials abroad during efforts to reduce the balance of payments. In the first months of 1969, the team reported on such things as the various extrajudicial involvements of Supreme Court Justices Abe Fortas and William O. Douglas, abuses in the medicaid program, baseball team owners' ties to Las Vegas gambling casinos, and an SBA minority loan to an \$80,000-a-year Negro baseball star. All of these, clearly, place the emphasis on exposure rather than analysis, but they do bring to the AP member-paper hard, promotable copy that the general AP routine quite probably would not supply. "All I thought about," says Stephens, "was getting on page one. It's easy to get inside."

That objective, announced so emphatically by both Arrowsmith and Stephens, is not, it should be noted, the same lofty goal set by editors and Washington bureau chiefs of some of the major newspapers. They talk more in terms of making the working and decision-shaping of Washington more comprehensible, of examining major government policies, decisions and directions and placing them in the perspective of the changing society. Much of this kind of copy doesn't make page one and isn't aimed for it. It can be argued with considerable validity, of course, that the Specials, freed of the routine by the wire services, ought themselves to be doing more looking for "the submerged dimension" sought by the AP team. But what the team has been doing is not a new concept in Washington; outstanding young reporters like Robert Walters of the *Evening Star*, Nick Kotz of the *Des Moines Register* and Jerry Landauer of *The Wall Street Journal*, to name just a few, have been shining their lights in dark corners for several years, and they are in the tradition of a long list of enterprising in-

vestigative Washington newsmen. What is new about the AP special assignment team is that a wire service is putting its money where its mouth is; that after years of having talked about and heard about the need for reportage beyond the daily routine, it is superimposing on its regular news-gathering structure a very expensive extra dimension. The team members, all well paid by wire-service standards, not only are cut free from routine but are given days, weeks, and months to pursue a story, and the money to pursue it all over the country if necessary. All this is to the good, but it is not a substitute for in-depth analysis and interpretation, if that indeed is what American newspapers need from increasingly more complex Washington.

UPI's bureau, trying in Washington as in most other places to compete with AP with fewer men, has no special assignment team. Grant Dillman argues that regular beat men, after all, are best qualified to dig out the hidden story or to provide the kind of in-depth interpretation sought increasingly by client papers. "When the AP sends a member of its special team in," Dillman says, "I suspect the first person he goes to is the beat man." (Some AP staffers confirm this often is so.) So when UPI wants a depth report, it asks the man on the pertinent beat to do it, replacing him with a substitute and releasing him from the routine to research and write the story. Dillman maintains a thick file of depth and analytical stories turned out by members of bureau, including the two or three long analysis pieces contributed each week to a UPI report called "World Horizons." They are well-written wrapups in such diverse fields as economics, health, and government spending. Dillman estimates that about 30 per cent of the national trunk wire file now is interpretative material. Others in UPI question that it runs that high, and while the use of beat men has obvious merit, these others say, as a practical matter it does not lead to the kind of extended, continuing investigative reporting that the AP team can do. "We used to call them features," one staffer says wryly. "Now we call them in-depth pieces. And the trouble with our in-depth pieces is that they're just a collection of the available material, without any or enough enterprise reporting. We think by

collecting a lot of stuff and promoting the hell out of it, that will do the trick."

What passes for a depth reporting effort, other present and former UPI staffers agree, often is essentially a packaging job. The man assigned to do the takeout culls all the clips, messages a number of well-placed bureaus to run surveys and get man-in-the-street quotes, does some interviewing around town and then turns out 1,500 words or more of depth and analysis. Seldom is a man from the Washington bureau really cut loose to do the kind of traveling that yields a major story based completely on personal reporting and observation, these staffers say. If a man comes up with a worthwhile project, some note, Dillman will do his best to free the reporter, but the constant pressure on UPI just to hold its own against the larger AP in straight news-gathering takes an inevitable toll. There have been cases, one UPI veteran says, when the Washington desk has gotten wind of a project by the AP special team and has tried to counter it with a quick packaging job that then is promoted as a special takeout.

It is obvious from all this that both AP and UPI in Washington are struggling to move in new directions against very difficult roadblocks of insufficient manpower and primary wire-service responsibilities. The AP, by establishing its special team, has moved more boldly than UPI, but UPI within the limits of its allowed resources has responded too. Still, in the view of a number of former reporters for each service, neither AP nor UPI is likely to approach doing the kind of job required in Washington—both in operating the vacuum cleaner and in interpreting the scene—until the wires start spending much more money, including paying really competitive wages. There are few of the larger Special bureaus that cannot offer good Washington wire-service men more, often considerably more, than they are making; what keeps many of the good men from leaving, says one who has stayed on, is their view that the wire services remain today the only places where the old glamor and camaraderie of bang-bang reporting survives. Also, the climb up through AP and UPI to their Washington bureaus usually is long and tough; the

AP bureau does not hire from outside the organization and the UPI bureau seldom does, and men who make it are the best or among the best the wires have to offer. But when they get to Washington, the lures of more money, more freedom in what they can write, and more prestige in working for one of the larger Special bureaus make the best wire men take stock anew.

"You take pride in the fact you're an infantryman in the trenches," one of them says. "The tempo and the techniques of the wires maintain the old fire-horse atmosphere. But they squeeze out everything they can from you. They pay you in kudos; they rely on your professional pride. They get young guys in their idealistic period and milk them for all they're worth." But, this veteran of a decade of Washington wire-service reporting concludes tellingly, "The guys aren't that unhappy."

If this atmosphere of old newspapering is something that keeps the best Washington wire reporters from defecting to the more lucrative, less frantic life of the Special, a rapid shift away from hard wire-service news-gathering could create severe labor problems for AP and UPI in the Capital. But judging from what has happened so far, there is no imminent reason to expect a mass exodus. More interpretative and enterprise reporting is needed and more is being initiated, but wire-service reporting in Washington today remains essentially what it long has been and must be—in Jack Bell's words, "laying it down and laying it down fast for the deadline that occurs somewhere every minute."

Trace of irony department

LONDON AP—There was a trace of irony when a tornado hit part of central Kansas late Saturday night.

A Kansas tornado was instrumental in the story of "The Wizard of Oz," sweeping the fictional character of Dorothy on her way to meet the wizard.

Judy Garland, 47, who at the age of 17 vaulted to stardom by her portrayal of Dorothy in a film version of "Wizard," was found dead Sunday morning in her London home.

Pegleriana

A previously unpublished exchange of correspondence in which the late master of invective met stubborn resistance

Westbrook Pegler died on June 24, 1969, at the age of 74. Alden Whitman's obituary in *The New York Times* summarized his career: "In 29 years as a newspaper columnist—from 1933 to 1962—Westbrook Pegler established a reputation as the master of the vituperative epithet. There was scarcely a public figure who sooner or later was not included in his pantheon of malign and malicious individuals." In the *Review's* files are copies of correspondence that was written when Pegler installed a liberal newspaper publisher in his pantheon. The late Thomas M. Storke, editor and publisher of the *News-Press*, Santa Barbara, California, received awards in 1962 for his editorials on the John Birch Society. Pegler was inspired to write to Storke. The correspondence follows:

[August 24, 1962]

Dear Mr. Storke:

I have read with great interest of the award to you of a Pulitzer Prize for your editorials on the John Birch Society and, later, of two other awards, one from Colby College named for a country editor in Alton, Ills., in frontier times. I read that the Alton editor was killed by mob action because he persisted in publishing abolitionist editorials but I have never come upon any text of any of these expressions. Thus I must bear in mind that some frontier editors were terrible blackguards who offended public opinion by filthy language. I have written to Professor Strider, the president of Colby, asking for the text of your editorials which impressed Colby as heroic journalism and the text also of the Alton editor's fatal editorials.

As a journalist, I now write you to ask for the text of your editorials. Would you please let me have tear-sheets? And will you tell me yourself whether you believe your conduct in this called for bravery and justified an "award" implying heroism on your part? Also, did you, yourself make an investigation which justified you in writing that the Birch Society was about to wage a campaign of hate and vilification? Do you object to hate and

vilification? If so, did you ever attack Walter Reuther in his official capacity in connection with the Flint strike and the Kohler riots; or the Anti-Defamation League? Have you ever been assaulted by any member or agent of the Birch Society or threatened with violence in a way to put you in fear of injury or death?

I hope I may have your answers to these professional inquiries which I address to you in the interests of the Public as a steward of the precious right conferred on our Republic by the Founding Fathers in the First Amendment.

I am yours very truly,

Westbrook Pegler

[August 28, 1962]

Dear Mr. Pegler:

I have read carefully your letter of August 24, 1962, addressed to me. I am puzzled about just how to accept it, whether it be from "Pegler, the once grand old man of journalism," who for many years was held in respect, or to "the angry old man," as *TIME* referred to you in its August 24 issue.

Some of your questions are pertinent. Other questions and your insinuations are most impertinent. If you are capable of reading intelligently, and without too much fermented cactus juice, you will find the answers in the enclosed reprints of editorials and articles that appeared in my newspaper, following the advent of the Birchers in Santa Barbara.

To ease your mind, the awards were as much of a surprise to me as they apparently were to you. I did not seek the awards; I did not write the editorials or cause any to be written for my newspaper with the thought that I was to be the recipient of awards.

Unlike Mr. Pegler, who poses "as a steward of the precious right conferred on our Republic by the Founding Fathers in the First Amendment," I, in my 62 years as editor, have been only the "steward of my own conscience," and as such I thought it my duty to expose the utterances of Robert Welch and his personal followers in his Birch Society here in Santa Barbara.

I know nothing about the Birch Society other than what I learned of their stated purposes and their behavior here in Santa Barbara. I had read many of the writings of Welch, most in his so-called "letters"—"The Politician." Answering one of your questions directly: Yes, I personally read and investigated Welch's articles and saw there his campaign of hate and vilification. You, I am sure, can get "The Politician" by sending to Mr.

Welch. He should be pleased to send it to you because his record, as set forth in "The Politician," shows him to be second only to you in "waging a campaign of hate and vilification" and character assassination.

If the reprints I am sending to you are not satisfying, I suggest you come to Santa Barbara and interview any minister of the Gospel, any member of the faculty of the University of California at Santa Barbara, any member of the local schools, or any decent citizen. It may help your thinking.

So far as the three institutions that gave me awards are concerned, I believe they will be pleased to answer your questions, if they are asked respectfully. Throughout the nation, no institutions are more respected.

I wish to make one observation as Dean of California Publishers and seeing the shadows collecting about me. I have considered you, more or less, a contemporary for many years. I am amazed to find in your letter that there is an alliance between you and the Birch Society. This alliance does not seem consistent since you claim to have saved the First Amendment by your stewardship. The concern for Freedom is not a part of the Birch Society ritual.

It is, indeed, interesting to know that you have taken over the stewardship of the Birch Society. This places you in congenial company: Robert Welch, the candy king; General Edwin Walker, retired, who got no further than the suburbs of the Alamo on his way to the Governorship at Austin, Texas; and one Dan Smoot, who has fattened on dog and cat food. You note that I am showing you the same interest that you express for me in your letter.

Truly yours,
T. M. Storke

[August 30, 1962]

Dear Mr. Storke:

Why you old goat, you are just a New Dealer prattling Democracy with dust on your knees. No self-respecting American could degrade himself to accept a bottlecap from that Harvard cell but you are so hard up for honors that you would grovel for a fly-button from FDR.

"Steward of your conscience," is it? And your conscience let you run with Elmer Davis. I notice you yearn for the courageous conscience of mobs with tar and feathers. Did you ever take part in any such? Why not? They were the legitimate parents of the Roosevelt-CIO-Dave Beck goons.

Yours truly
Westbrook Pegler

National exposure and local cover-up: a case study

DAVID M. RUBIN
and
STEPHEN LANDERS

When *McCall's* magazine ran an article pointing out potential danger in local water supplies, newspapers in the cities concerned might have been expected to investigate the matter. A few did, but the majority gave the story a quick washout

■ Although the Robert Kennedy manuscript entitled "Thirteen Days, The Story About How The World Almost Ended," was easily the most expensive and publicized piece to appear in the November, 1968, *McCall's* magazine, another article in that issue stirred up readers and newspaper editors from Maine to Washington, and occasioned a flood of queries, complaints, congratulations, and threats of legal action.

The piece was critical of local water supplies in more than a hundred cities, and it received widespread coverage from papers with circulations of 3,000 to 200,000. Frequently national publications level charges of misconduct or inefficiency against individual cities, although rarely on so great a scale. In such instances each local paper is charged

with the responsibility of acting as public defender or detective. A close study of the *McCall's* case indicates that papers acting as detectives were few and that investigative methods of local reporters were haphazard.

McCall's must shoulder part of the blame. The article, entitled "Drink At Your Own Risk," was ballyhooed on the cover, in the magazine's inimitable style, as "Danger In Our Drinking Water: The Alarming Truth About 12 U.S. Cities." It was based on United States Public Health Service (USPHS) data, collected between June, 1967, and June, 1968, which placed the water supplies of 102 cities in thirty-two states and Puerto Rico on the "provisionally approved" list. The USPHS had found these systems deficient in one or more of the following ways:

Water quality was not completely protected from supply to household tap.

David M. Rubin and Stephen Landers did the research for this article as graduate assistants in journalism at Stanford University.

Water was not being taken from the purest possible source.

Bacterial checks were too few.

Regulations on health hazards were inadequate.

Surveys to detect potential health hazards were too infrequent.

Bacterial levels were too high.

Chemical impurities were too high.

Nonapproved analytical tests were being used.

A provisional rating should inform the city that its supply is potentially dangerous, if certain corrections are not made.

McCall's presented this information in a clever 10-by-13-inch chart (complete with skull and crossbones) that encouraged readers to look for their city, and to gasp in alarm if they found it. The impression was left on many citizens that the water they had drunk at dinner was about to make them sick. This impression was false. The next following chart made clear that, in fact, all the named systems were still safe, but they were dangerously stretching USPHS safety limits. *McCall's* titling and layout tended to obscure this.

Another problem arose out of poor communication links between the USPHS, state health authorities, and local authorities. Some state and local officials may not have been aware of their "provisional" status (which demands corrective action based on a mutually acceptable timetable). It is also quite possible that many mayors and newspaper editors were not aware of their local system's problems, since it is not the sort of thing a waterworks manager is likely to brag about.

The article was written on assignment of *McCall's* by David Peter Sachs, a conservation and pollution expert who is currently writing a book on that subject with Dr. Athelstan Spilhaus, president of the American Association for the Advancement of Science. Exclusive of the chart, the article focused on nationwide problems of environmental deterioration and air and water pollution, as shown in decreasing margins of safety in public water supplies. Sachs also presented a course of corrective action open to concerned citizens. It is clear from a survey of local newspaper coverage in the 102 named cities that, however much *McCall's* was

guilty of sensationalism in its packaging, local editors were even more culpable in failing to find or report the actual condition of water supplies.

Rather than investigating why their supplies were on the USPHS's "provisionally approved" list, editors moved to obscure the data and protect their cities. Reporters collected batteries of denials from sources with vested interests in the issue, assured their readers that nothing was wrong with the water supply, and waded into *McCall's*. The mistakes made by the magazine and Sachs (who failed to indicate on the chart precisely what "provisional" status meant, and that a few named cities might have come off the USPHS list in the lag time between compilation and the article's publication) gave editors a cozy out for their communities. The sad thing is that almost all of them took it.

Unquestionably, editors in the 102 cities recognized the potential importance of the article to their communities. Better than four-fifths of their papers carried at least one story on the *McCall's* charges, and half ran two or more, totaling up to 60 column inches. Of those that carried the story, half played it on the front page and a quarter placed it on a page reserved for local news. Editors assigned trusted reporters to the story, usually a veteran general assignment man or the beat reporter who would normally cover the city's water supply. Although *The Associated Press* moved stories about the *McCall's* charges, nearly every city on the chart that elected to investigate the story did so with one of its own reporters.

The spirit of coverage that resulted (including the wire copy) can be summed up in one word: hostile. This happened in part because of the defensive posture editors took in response to *McCall's* sensationalism, but more so because of the incomplete and plainly improper investigatory methods of reporters assigned to the story. The sources by far most frequently reached for comment were waterworks general managers and local elected officials (such as mayors, who may not have been aware of the "provisional" status). In response to a mail questionnaire on this subject, 80 per cent of the editors indicated they approached such

in this regard, and they are to be commended for their interest in public health."

In an AP story on the water supplies of four Wyoming cities, the director of the state division of environmental sanitation said the *McCall's* article was part of a "scare campaign" by the USPHS to prompt congressional action on a public water supply bill. The Sachs article did not mention such a bill. More important, the remark is irrelevant to explaining the "provisional" rating of the Wyoming water supplies.

Most papers stopped their investigations at the state level. Only one in five editors said they spoke to regional offices of the USPHS for clarification; one in eleven went to the USPHS in Washington, from which the figures originated; and one in five turned to local experts not connected with the city water supply for an outside opinion. The numbers seeking out the author and *McCall's* editors were negligible.

The *Spartanburg Journal* was one of two papers that spoke with Sachs—in this instance, by long distance on two occasions for more than an hour. They discussed specifics of *Spartanburg's* problem, Sachs's background, and the more general national implications of the article. For its time and money the paper produced a piece of only 11 column inches consisting largely of a statement by the local waterworks general manager. Nothing from Sachs's discussion was included.

The *Nashville Tennessean* (daily, 141,700) attempted to reach Sachs and *McCall's* editors, unsuccessfully, for a Sunday, November 3, piece. The reporter parlayed this into a flank attack: "Efforts by the *Nashville Tennessean* and The Associated Press yesterday to locate the author of the article . . . failed. *McCall's* New York office did not answer the telephone." What the *Tennessean* didn't point out was that *McCall's* failed to answer on a Saturday, when no one is in the office (it is hard to imagine they would be avoiding newspaper reporters, anyway) and that the AP hunt hinted at was staged by the same *Tennessean* reporter. Two days after the article appeared, the same reporter finally talked to Sachs's secretary, and after obtaining biographical information that was subsequently dis-

torted in a November 5 story, informed the secretary that Sachs had already been "roasted" by his paper.

The *Tennessean* demonstrated its unwillingness to recognize the widespread problem of water pollution in an amusing (or disturbing) juxtaposition of articles on November 5. In one piece attacking *McCall's* it quoted Howard Chapman, director of the Environmental Controls Administration in USPHS Region IV, which includes the entire state of Tennessee. He denied the existence of a local water problem. This article ran side-by-side with an AP piece out of Chattanooga concerning the death of five cows. It seems the cows were poisoned by ammonia nitrogen from the same creek that feeds the city's water supply. It might have been interesting to hear Chapman's comments on this situation, since Chattanooga was also named on the *McCall's* chart.

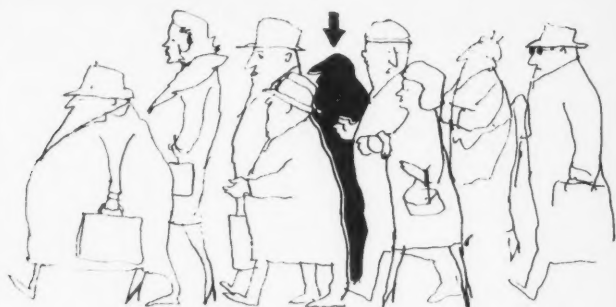
The *Clarksville (Tenn.) Leaf-Chronicle* (daily, 10,600) picked up some of the *Tennessean's* material on the unsuccessful effort to reach *McCall's* and Sachs, incorporating it into its own bylined story.

On November 8, the *Jackson (Miss.) Clarion-Ledger* (daily, 55,200) ran *word-for-word* the story that appeared on November 6 in the *Pascagoula Press*.

The general approach papers took to the *McCall's* charges was to obfuscate. After presenting heated denials from local and state officials, most reporters dug into the recent history of the city's water supply, noting any warnings it had received or problems encountered. By reading between the lines, and sometimes in the lines themselves, it became evident that most water officials were aware that the charges did indeed refer to problems in their own systems that they were trying to remedy. But the officials obviously did not like the publicity, so the admissions were smoke-screened with praise for the overall waterworks operation. This left the reader confused as to the veracity of the USPHS data, the quality of the local system, and the magnitude of national water pollution problems.

John Hughes, a reporter for the *Aberdeen (Wash.) Daily World* (daily, 17,000), teased ad-

LOST-in the daily mass of information?



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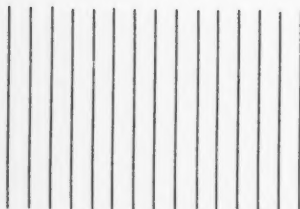
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missions from two city officials that the Hoquiam, Washington, water supply was indeed rated "provisional," and that an April inspection had produced six recommendations for upgrading the system. His story closed with this statement from an official of the local health department: "The article made some good points about water pollution on the East Coast. But the insinuation was that the people of the Pacific Northwest are drinking polluted water. And that's simply not true." The newspaper was leading readers astray. Safety margins had fallen dangerously low in Hoquiam, yet editors, reporters, and officials were cooperating to keep away from a discussion and investigation of the "provisional" status. Unless they had read the *McCall's* piece for themselves, residents of Hoquiam would have no way of knowing that the USPHS was concerned about margins of safety, not raw sewage flowing from household taps.

In the last two inches of an eight-inch story the New London (Conn.) *Day* (daily, 33,500) notes that the city does not have adequate bacteria checks on its supply, a fact appearing on the chart. It is hoped New Londoners read that far.

Maggie Jones, a staff writer for the Wilmington (N.C.) *Star* (daily, 20,000), tried to manipulate statistics to disprove HEW figures appearing in the *McCall's* article. Miss Jones, who spoke only to the Wilmington city manager and the director of public waterworks, might have sounded less like a publicity agent if she had spent less effort in attacking *McCall's* and more time following up the admission by Coleman that bacteria counts in Wilmington water have been high.

The Abbeville (S.C.) *Press and Banner* (weekly, 3,000) went perhaps the farthest astray in its attempts to becloud the issue. "Air pollution is also brought up in the article," wrote Joy W. Bolen, "but there are no statistics given on the pollution rate for the 100 cities." (There was nothing on garbage disposal, either.) She continued: "There is no indication here that the smog of Los Angeles is looming over the city of Abbeville or that industrial wastes of Cleveland that empty into Lake Erie are making the city's [Abbeville's] water unfit to drink."

Two papers tried to look past the sensational aspects of the article to problems with the local water supply, and to show how these problems fit into the national picture. The Chattanooga (Tenn.) *Times* (daily, 56,700) reassured its readers that there was little immediate danger from the drinking water, but coverage went much farther. On November 10 the paper editorialized:

The publicity [about the water supply] has not been wholly injurious. It has alerted Chattanooga area citizens to very serious pollution along several small streams which empty into the Tennessee River upstream from the City Water Company's intake. It also brought to light the fact that in one instance at least the water company was forced to order additional treatment elements to counteract excessive pollution in the river. Public concern over stream pollution has been measurably heightened here in the past week. This is the first step toward enforcement of existing controls and enactment of more effective prohibitions against stream pollution.

The *Times* city hall reporter, Springer Gibson, followed this with a hard-hitting article:

We rush around crying foul against the *McCall's* article questioning our water supply. And the City Water Co. assuredly is careful to give us safe water to drink. But the Chattanooga Post proved to us in pictures and words that we are fouling the waters of the Tennessee River and the tributary, Chickamauga Creek, before it empties into the Tennessee. Even if our water supply were not remotely involved, are we going to keep on permitting our streams and rivers right here in Chattanooga to be fouled with wastes?

The Worcester (Mass.) *Evening Gazette* (daily, 94,500) and *Telegram* (daily, 62,700) launched a full-scale investigation of the city water supply. An October 22 article in the *Evening Gazette* reported that state laboratories and city laboratories were differing greatly in the measurement of the bacteria count in Worcester's water. An article on October 23 revealed that five testing stations were repeatedly showing high bacteria counts because the water was fed to them through old mains. A *Telegram* editorial of the same day stated: "There is no getting around the fact that the controversy has brought to light potential hazards in Worcester's water system."

On October 25 a Massachusetts State Health Department official called for a "complete evaluation" of the water supply to check on a coliform group of bacteria that had been discovered; he labeled the supply "suspect" as a disease carrier. On December 17 the *Gazette* announced that "Worcester's water system is being treated with an extra supply of chlorine on a year-round basis to help keep down non-harmful bacteria counts."

How much of this action is attributable to the work of two *Gazette* reporters, Theodore Mael and Louis Salome, and how much credit is due Worcester city officials is hard to say. But there is no doubt that the forthright manner in which both the Worcester and Chattanooga papers responded to criticism from a national publication was in the most positive journalistic tradition.

Before passing from papers that covered the *McCall's* piece in exemplary fashion, it should be pointed out that other papers, such as the Grand Junction (Colo.) *Sentinel* (daily, 21,500), which treated the *McCall's* piece in cavalier fashion, had been doing a steady, competent job of reporting on water pollution. If papers as a group were serving as more efficient watchdogs, however, local water supplies would not be dropping so precipitously in quality.

A number of suggestions have been made along the way that editors might keep in mind the next time their city is the object of attention from a national publication. First, they might avoid the attitude of Will Fehr, city editor of the *Salt Lake Tribune* (daily, 188,000), who said: "If we have to rely on a national magazine for guidance, we should start laying our heads on the editorial chopping block." There may be valuable information to be gained from an outside assessment of the problems of an area; the local paper may often be too close to the problem to see its development.

Editors already know how to handle such stories. Half the editors of papers involved with the *McCall's* story were asked how they would handle a hypothetical story in a national magazine based on U.S. Office of Education data charging that the quality of public school education in their

city was deficient. Nearly 90 per cent said they would give the story at least moderate play; 87 per cent said they would be likely to editorialize on the issue; 36 per cent said they would do an in-depth job of investigative reporting; and 80 per cent said they would at least present a balanced story from varied sources.

To national publications, the *McCall's* experience shows that sensationalizing an article is not necessarily the most effective way to get a message across. In this instance local editors were able, in good conscience, to correct the misimpression created, while never getting at the real problem.

Clearly the majority of papers erred in giving sole prominence to officials who were actors in the situation, from whom the newspapers had no right to expect disinterested answers. Yet many were content to act as an uncritical conduit. A state public health official's statement to the Manchester (Ga.) *Mercury* (weekly, 2,450) that a plant was "neat and clean" and that "the City of Manchester should be complimented for having operators who take such interest in their work" cannot be allowed to stand as the final word; such statements completely beg the questions posed in *McCall's*, as did much of the coverage. Such sources as local water pollution experts, unaffiliated with the treatment plant, should have been solicited for outside expert opinion. Efforts should have been made to interview the USPHS in Washington, and perhaps the author.

Rather than respond, as many Wyoming papers did, with charges that the article was hurting the image of the area for industries seeking to relocate or expand, editors might have taken the opportunity, as the Chattanooga *Post* did, to investigate existing pollution from industrial wastes before inviting more.

Most important, a newspaper editor should remember that to shield his community and readers from outside criticism is a dangerous practice. In a period of increasing media combination and concentration, editors should welcome every voice in the wilderness.

Race, libel, and the Supreme Court

DANIEL W. PFAFF

When the Supreme Court decided the *Times* libel case in 1964, it was hailed as a new charter of press freedom. But there were other implications overlooked

■ The Supreme Court's *New York Times* libel decision in 1964 defined press freedom more expansively than ever before. The decision shifted emphasis from the press's old defenses of "truth" and "fair comment and criticism" to a requirement that public-official plaintiffs prove that defamatory statements are false and made with actual malice. The court defined actual malice as knowing that a statement is false or having reckless disregard for whether a statement is false. Predictably, the radical change caused confusion for press, plaintiff, and lower court alike. Since *Times*, the court has tried to clarify exactly what the new test means.

One recent clarification came in *St. Amant v.*

Thompson, decided in April, 1968. A Louisiana deputy sheriff contended he had been falsely and maliciously defamed in a televised campaign speech. Louisiana's courts variously construed his argument in light of the *Times* requirements. The trial court said they had been met, and awarded the deputy \$5,000; the court of appeal was not satisfied that there had been "actual malice" and canceled the award; the state supreme court reinstated it because it felt the defendant had shown "reckless disregard" of the truth or falsity of the statements he had made; finally, an eight-man majority of the U.S. Supreme Court voided the judgment. Speaking through Justice Byron White, the majority defined the *Times* standards more explicitly than ever before: first, "reckless disregard" is *not* determined by whether a reasonably prudent man would have published or would have investigated before publishing; second, only a positive evidence that a defendant had serious doubts

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about the truth of his publication can constitute "actual malice."

The question, of course, is why the Court's reading of the First Amendment is ever more favorable to the media.

An easy but unsatisfactory answer is that more justices are coming around to Justice Hugo Black's "absolutist" view that the language of the amendment means there can be no such thing as libel in the United States. The array of opinions in cases from *Times* to the present indicates, however, that such an explanation is superficial. Significant shifts in doctrine are more than the result of the justices' abstract theorizing about the language of the Constitution. More to the point are the justices' views of contemporary life. What is clear, nearly five years after *Times*, is that the justices have subjected press freedom to a reassessment in an attempt to make the concept more workable in its contemporary social setting. A look at the decisions, their factual backgrounds, and the court's actions in recent years involving the companion guarantees of speech, petition, and assembly, may illuminate the reappraisal.

The court's unprecedented extension of press freedom in *New York Times v. Sullivan*, announced March 9, 1964, does not require detailed review here. What seems to have escaped wide notice, however, is the importance of what Harry Kalven, Jr., of the University of Chicago Law School has called the "sociological reality" of the Negro protest movement in producing that decision. Briefly, the facts in *Times* are that the Supreme Court unanimously voided a judgment against the newspaper for carrying libelous statements in an advertisement protesting segregationist police activities in Montgomery, Alabama. The advertisement, sponsored by a number of prominent Americans, both black and white, contained factually incorrect material about the police activities. Though he was not referred to by name, L. B. Sullivan, Montgomery's police commissioner, contended that the inaccurate statements libeled him. Commissioner Sullivan got a \$500,000 award, later upheld by the Alabama Supreme Court.

The media uniformly hailed the U.S. Supreme

Court's cancellation of that judgment as a resounding victory for freedom of the press. For the first time libel had been held to come under constitutional—hence national—purview. The shift of the burden of proof from defendant press to "defamed" plaintiff caused some overzealous newsmen to remark "anything goes." Though that obviously was an overstatement, the decision did represent the broadest interpretation yet of the First Amendment guarantee. Early evaluations of *Times* concluded rather blandly that this showed that the Court was a true believer in the tradition of freedom of the press.

The most pertinent reality behind the ruling, however, was that in the decade preceding *Times* the Supreme Court had made a sweeping commitment to the cause of Negro equality. Starting with *Brown v. Board of Education*, the 1954 public school desegregation decision, the court had single-mindedly decreed that the national tradition of legal racial separation be reversed. The "racial revolution" had begun. But by 1960 there was considerable belief that a change in law would not bring a change in fact, and it was clear that little would be accomplished quickly or easily. Negroes continued to press their demands in litigation, and as the issues reached the high court the answer consistently came back: separate-but-equal was unacceptable in state or federal activity.

The direct antecedents of *Times* resulted from Negroes' adoption of "direct action" techniques of dramatizing their grievances. This produced the sit-in and demonstration cases in which the First Amendment guarantees of free speech, assembly, and the right to petition for a redress of grievances were the bases of Negroes' legal arguments. Though not all the justices were persuaded in each case that First Amendment rights should prevail over the rights of states to secure order and property, after 1954 the Court held for the Negro petitioners in every single protest case it accepted prior to *Times*. (It didn't reverse one until it split five to four in 1966 in a case involving a demonstration on the grounds around a jail.)

It is clear that the racial undertones of the *Times* case were well within the Court's attention.

The advertisement, wrote Justice William J. Brennan Jr. in the main opinion, "communicated information, expressed opinion, recited grievances, protested claimed abuses, and sought financial support on behalf of a movement whose existence and objectives are matters of highest public concern." Justice Black was more explicit in his concurring opinion:

One of the acute and highly emotional issues in this country arises out of efforts of many people, even including some public officials, to continue state-commanded segregation of races in public schools and other public places, despite our several holdings that such a state practice is forbidden by the Fourteenth Amendment. . . . There is no reason to believe that there are not more such huge verdicts lurking just around the corner for the *Times* or any other newspaper or broadcaster which might dare to criticize public officials. . . . Moreover, this technique of harassing and punishing a free press—now that it has been shown to be possible—is by no means limited to cases with racial overtones; it can be used in other fields where public feelings may make local as well as out-of-state newspapers easy prey for libel verdict seekers.

The Court had precedents going back to *Gitlow v. New York* and *Near v. Minnesota*, decided in 1925 and 1931 respectively, and the 1940 case of *Thornhill v. Alabama* to aid it in reversing the Alabama judgment. The thread running through these opinions is that free expression is guaranteed by the Constitution because it is a fundamental requisite of representative democracy and individual liberty. But these, without the persistent presence of the Negro protest movement, seem hardly adequate to push the court to the sweeping result in *Times*, or its subsequent reinforcement. In fact, the decision in a 1963 Negro protest case was considered so pertinent that it was cited five different places in the majority opinion in *Times*. The case was *NAACP v. Button*, involving the association's challenge of a Virginia law that prohibited it from soliciting legal cases in order to get court rulings that it hoped would advance the Negro cause. The Supreme Court ruled that the NAACP's legal efforts were a form of political expression protected by the First Amendment.

After *Times*, the first free press case the court decided came from New Orleans, where District Attorney Jim Garrison had been convicted of criminal libel for saying, among other things, that various judges were lazy because they were not moving cases through the courts quickly. In deciding *Garrison v. Louisiana* in November, 1964, the Supreme Court said because the case involved an action brought by a state, it raised the new question of whether the principles of *Times*, a civil libel action, applied to criminal libel as well. The Court said that they did.

In 1965 the *Times* and *Garrison* precedents were used to nullify Mississippi libel judgments favoring a county attorney and a chief of police. This is one of two post-*Times* libel cases whose facts have a connection with the Negro movement. Aaron Henry, president of the Mississippi unit of the NAACP, had accused the officials of "a diabolical plot" against him after he was arrested in 1962 on a charge of disturbing the peace and accused of making unnatural advances upon a white hitchhiker. The Supreme Court canceled the awards, totaling \$40,000, because it said the trial jury should have understood its instructions to find for the officials "on a showing of intent to inflict harm rather than intent to inflict harm through falsehood." Henry was vindicated under the "malicious falsehood" requirement of *Times*.

Probably the clearest statement of what has prompted the justices to open the way for more thorough and searching examination of contemporary issues by the media occurred in Chief Justice Warren's concurring opinion in the cases of *Curtis Publishing Co. v. Butts* and *Associated Press v. Walker*, the former of which held that the *Saturday Evening Post* had failed to take ordinary precautions in verifying charges against a University of Georgia athletic director, and the latter of which held that the AP had not been malicious in minor errors in its stories about former Major General Edwin A. Walker's activities at the University of Mississippi disorder in 1962. Warren agreed with the result in both cases, and explained that he believed there no longer was any justification for formulating First Amendment policy

by attempting to distinguish between private and public sectors of society. He wrote:

Our citizenry has a legitimate and substantial interest in the conduct of ["public figures"], and freedom of the press to engage in uninhibited debate about their involvement in public issues and events is as crucial as it is in the case of "public officials." The fact that they are not amenable to the restraints of the political process only underscores the substantial nature of the interest, since it means that public opinion may be the only instrument by which society can attempt to influence their conduct.

It takes little imagination to apply the logic of that statement to the exigencies of the continuing racial crisis. Repeatedly since 1964 the court has emphasized its confidence in the ability of unfettered discussion to aid in the achievement of worthwhile social goals—the most urgent of which, then and now in the eyes of the court, is a racially integrated society. And the growing uncertainty that racial problems will be dealt with in an atmosphere of orderly change does not diminish the evidence that that is what the court has been trying to accomplish. The uncertainty and fear in any case underline the need for a thoroughgoing social dialogue. The progression of events since *Brown v. Board of Education* has made it easier for the court to make, and sustain, holdings for vigorous debate on public issues—because society has had available to it an eminently debatable issue.

A troubling aspect of recognizing that the new free press doctrine links with the Negro movement is that the vehicle of protest, which has dramatized the cause, was initiated outside the press; the media reacted only as events made "news." Furthermore, the press on the whole did not comment upon the nation's racial inequalities prior to 1954, but was as quiescent as the rest of society. Therefore, the Supreme Court's expression of confidence that the press would carry on the debate the court had started and somehow help bring about beneficial change was based more on a belief that the press would take up the cudgels than on the fact that it had.

Beyond that, because the press has been given broad prerogatives to discuss and criticize government officials and others, it should recognize that this holds regardless of whether the issue is civil rights or some other socially desirable goal. This means, inevitably, that society will have to accept the challenge to discuss freely and decide openly on the alternatives that exist during any period in which it is considering significant change, a challenge that it has accepted only reluctantly with regard to the status of Negroes. And it means that the press will have to choose to act in accord with what it considers to be the best interests of facilitating beneficial change, something it has not always done.

That leads to the question of whether the press should be left to do what it wants by way of fostering desirable change, or whether government should prescribe what it *has* to do in order to achieve goals like racial equality that government has deemed imperative. The thrust of the high court's opinions to date is that the press should respond voluntarily. The justices have avoided leaving the impression that the media are subject to governmental coercion to provide access to their time and space for minority groups to express their grievances, or to persons who claim they have been defamed to reply. But in a day when the Chief Justice explores in a free press case the implications of the merging of society's public and private spheres, it seems likely that a still wider reappraisal of the meaning of the First Amendment is imminent.

Which means, in less elegant language, that if the press doesn't voluntarily meet the demands of the new decisions, the court may well take from it the luxury of choice by defining the press's role in society more explicitly than ever before.

[In June, after this article was in type, the Court took a step that reinforces its conclusion. In *Red Lion Broadcasting Co. v. FCC* the justices held that the First Amendment does not preclude the "fairness doctrine." Said the court: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."]

Semi-professionals: three publications for newsmen

MITCHELL V. CHARNLEY

The Newspaper Guild, the broadcast news directors, and the editorial writers all have periodicals, but only one consistently reflects professional aspirations

■ American newsmen boast three national organizations of "working journalists"—those who actually produce the content of newspapers and broadcast news: The American Newspaper Guild, the Radio-Television News Directors Association, and the National Conference of Editorial Writers. There are other societies whose membership is largely news-editorial (American Society of Newspaper Editors, National Newspaper Association, and Sigma Delta Chi are examples), but their concerns are something other than the individual work of the men and women who produce media content. Each of the working-journalist organizations has its own publication: the ANG, the 24-issues-a-year *Guild Reporter*; the RTNDA, its *Bulletin*; the NCEW, *The Masthead*.

Since each of these publications serves a sponsoring society, each properly is a house organ, a publication to report its sponsor's activities, to stimulate and protect its purposes and membership. It is also reasonable to suppose that a publication of a "professional" organization—one that professes intellectual, ethical, social, and educa-

tional goals—might devote some of its pages to examination of the performance of the laborers in its vineyard. Such a publication might consider among its functions criticism of what its members and their non-member peers do, as well as evaluation of the degree to which journalists and journalism attain avowed professional levels.

In short: a news function and a broadly critical function.

The intent of this article is to report how the three publications grew, what they are and do, and the effectiveness with which they do it.



The first *Guild Reporter*—two pages, eight columns—came out soon after Heywood Broun and his impassioned fellows organized a Newspaper Guild local in New York; its date was November 23, 1933. Vol. 1, No. 1 quoted the New York chapter constitution to the effect that "the purpose of this association shall be to improve the conditions under which newspapermen and women work; to protect their rights by collective action; to raise the standards of journalism, and [sic] for mutual help." A humble beginning, the paper sold for 5 cents, used vogueish Bodoni Bold headline dress, made no promises about its next appearance, and had an unpaid staff.

No. 2, published December 8, was another two-pager, but No. 3, on January 12, 1934, was a four-page tabloid; it announced that the American Newspaper Guild (organized nationally in December at Washington) had taken over as publisher, and it declared:

It will continue to be the aim of this newspaper to furnish a complete record of the guild movement and to offer added features enlightening to the members.

No. 4, on February 23, was a fair prototype of the *Guild Reporter* for its infant years. Its eight tabloid pages—the format today—contained ANG news and general union news, but it also reported

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that "the *New York Times* has appointed Harold Denny to succeed Walter Duranty in Moscow." Issues for the next several years carried not only general news of newspapers but also occasional discussions of newsmen's behavior and news handling. Page 5 became for a year or so a kind of *terza pagina* in the Italian style, with essay-like features; letters and columns asked whether newspapermen could accurately be termed professionals. Jon Eddy, national (later executive) secretary, contributed a column of comment and exhortation; a brief attempt was made to publish book reviews regularly.

But no one could doubt that the *Reporter* was the organ of a union. The hot question of affiliation with the AFL got wide attention, as did that of moving to the CIO in 1937. A 1934 story reported that the first Guild strike vote (at the *Jewish Daily Bulletin* in New York City) brought victory in 30 hours; later, strikes at the *Newark Ledger* and elsewhere dominated *Reporter* pages.

Clyde Beals of *The New York Times* became the first paid editor in 1935 (a \$75 weekly salary had been authorized by the Cleveland convention). He defined his goals clearly: The *Reporter* would go down the line to support the Guild, he said: it had no intention of presenting flaws in Guild programs—no objectivity nonsense—because to do so would undermine its *raison d'être*, "advancing the economic welfare of newspapermen . . ."

The net result is today's assumption that the purpose of the *Reporter* must be first to report union news, to put industry news second, and not to bother with much of anything else. It led to the present rule that the editor has no choice about publishing letters—any Guildsman may sound off in the *Reporter* (up to 200 words) if he avoids "subjects detrimental to the Guild"; and to the paper's policy on "political" advertising for candidates for Guild offices, which is defined in the same philosophy (candidates for principal offices may have 18 inches, those for the least important 9).

The tight rule governing editorials is in the pattern. *Guild Reporter* editorials may not deal with ANG matters. They may discuss Taft-Hartley, union philosophy, the government, inflation, or

the price of eggs, but they may not take positions on candidates or disputes within the Guild. Under the incumbent, Ellis Baker, they are lucid, literate, often witty, usually pleasant reading. They often blast the Guild's devils, chief among which are the ANPA, Hearst, and Lord Thomson. But they do not illuminate Guild familial concerns.

Also in the pattern is the bland news policy that has characterized the paper for years. News columns are devoted heavily to strike news, bargaining news, "top minimum" news, and news of Guild operations—elections, referendums on strike assessments, convention reports, and so on.

The *Reporter* gives heavy play to the annual Heywood Broun award and to such events as the Twin Cities Guild's distinguished lecture series. It occasionally devotes inside space to articles by such writers as Ben Bagdikian (usually previously published articles or speeches) that are critical of press performance or that concern publishers' dominance in the business.

The *Reporter's* 1968 circulation was close to 33,000, its 1968-1969 budget just under \$80,000. It is supported almost entirely by membership fees. Several attempts to gain reliable advertising support have been abandoned.

In sum: The *Guild Reporter* prints all the news it can get about the ANG as a vigorous, healthy trade union. It is cleanly written and edited, and its offset printing matches its modestly modern make-up (in 1965 it won an International Labor Press Association award for "best front page"). It is rarely exciting in style or imaginative in content; it has little interest in extra-Guild readership. Its efforts to "raise the standards of journalism and ethics of the industry," though not entirely wanting, are hardly passionate, aggressive, or inventive. It resonates to the immorality of the publisher whose gold lines his pockets rather than his pay envelopes, but rarely to that of the shoddy reporter or editor.

It is an informative and loyal organ of a labor union, but hardly a model of the professional standards its ownership professes to serve. It is certainly not objective; it is not interpretive in the best sense; its style is direct and businesslike,

but flat. I find it disturbing that a newsman's journal is so far from being a newsman's exemplar.

RTNDA BULLETIN

RADIO-TELEVISION NEWS DIRECTORS ASSOCIATION

The Radio-Television News Directors Association *Bulletin* (monthly except in July and October) is printed on slick paper, uses a great many shots of men talking into microphones or sitting solemnly back of tables on stages, and (like *Nie-man Reports* and *Quill*) depends heavily on transcripts of speeches for its content.

Like the *Guild Reporter*, the *Bulletin* is almost as old as its sponsor. Its first issue, seven mimeographed pages, was put out early in 1947 by Tom Wallace, a Cleveland radio newsman who was secretary of the National Association of Radio News Directors (NARND, predecessor of RTNDA). It is hard to find copies of early issues; they came out irregularly under several editors (John V. L. Hogan, NARND founder and first president, who has been a Voice of America staffer for twenty years, was one). Professor Ernest F. Andrews (then at Iowa, now of the Syracuse University TV-Radio Center), took it over in 1954, and still edits it. It comprises up to twenty-four 8½-by-11 pages, and is unfortunately monotonous in appearance.

RTNDA is not a trade union with economic self-interest as its cement, but rather a professional society whose cohesion is the interest of radio and television newsmen in doing their work well. The *Bulletin* reflects the society's character. Like the *Guild Reporter*, it serves as a house organ, reporting organization and individual membership news; a good deal of space goes to new jobs and new assignments. It rarely mentions salaries or bargaining.

Instead, its major emphasis is on professional and technological activities in broadcast news. It is concerned, as are RTNDA members, about questions of access to news—especially those

arising from the American Bar Association's strict interpretation of its Canon 35, which excludes broadcasters from the courts. It has been sensitive about the recognition of broadcast newsmen as the peers of newspapermen; it prefers the term "news conference" to "press conference." It records noteworthy feats of news coverage, commonly those that win prizes. A regular feature is a magazine bibliography citing current periodical material.

The *Bulletin's* solidest meat usually comes in the form of reprints of speeches at national or regional broadcast conferences, and sometimes in reports of FCC or judicial developments affecting news broadcasting. The *Bulletin*, like its sponsor, has no over-riding distrust of ownership. When radio and television men go into bull sessions, they rail at the low understanding, the stupidity, or the penny-pinching of management; their professional meetings often program discussions of "how to get along with the brass." But they are not at war with the brass as Guild members are. The *Bulletin* mirrors this fact accurately.

The *Bulletin* has no editorial column. Now and then a "president's letter" appears, and now and then a reprint of a president's speech that carries the flavor of association policy. Otherwise it can hardly be called the voice of RTNDA.

Some of its limited advertising, for photographic or electronic equipment or for news services, seems to belong, but much is clearly "goodwill"—National LP-Gas Market Development Council, Humble Oil, American Oil, Santa Fe Railroad. (RTNDA accepts elaborate entertainment at its conventions from automobile manufacturers, oil companies, Sears Roebuck, and the United States Navy. Some of the *Bulletin's* ad space, especially in convention numbers, comes from the same bag.) RTNDA membership and *Bulletin* circulation are about 1,100—not a vast or wealthy market.

You know when you read the *Bulletin* that it represents a group of men who take their occupation seriously. But you wish the magazine seemed to depend more on editorial planning, both in content and in graphic design. (But how much—as Clyde Beals used to say—can be expected of a volunteer staff that does its job in spare time?)

The *Bulletin* has a way to go before it becomes impressive as a professional publication.

THE Masthead

The Masthead of the NCEW, in appearance and form, is the least professional of this trio. Vol. 1, No. 1, dated Spring, 1949—NCEW then was less than two years old—contained twenty-four mimeographed pages, side-stapled between saffron covers; its face carried a Fitzpatrick (*St. Louis Post-Dispatch*) drawing of a hand holding a torch and rising uncomfortably out of an ink bottle from which a quill pen also protruded. A recent issue has fifty-eight mimeographed pages; the Fitzpatrick drawing is replaced by a stiff photograph of NCEW officers; paper quality and mimeographing have improved. Otherwise there is little change.

If *The Masthead* is less impressive physically than the two other journals, however, it has always been redolent of the dedication of its professional sponsors. It is its sponsors' voice as well as their bulletin board. It carries news of NCEW activities; but the news gets downplay—back pages, sometimes no pages. Emphasis is on content that the editors evidently hope will help editorial writers become better editorial writers. Frequent changes of editor have not altered this flavor.

The character of *The Masthead* was foreshadowed in its first issue. Perhaps 25 per cent went to NCEW material—a list of members, reports of regional meetings, an obituary, and "What's on the Chairman's Mind." But the principal feature was a series of critiques of editorials, opened by Barry Bingham's comment on two pieces submitted by Robert M. White II. There is an Irving Dilliard review of Gayle Waldrop's *Editor and Editorial Writing*; an analysis of William Lloyd Garrison's editorial effectiveness; a piece on editorial page use of reprints.

The winter, 1968-1969, issue (Vol. 20, No. 4) reports at length on the annual NCEW conven-

tion—not, however, in minutes-of-the-meeting form but in a dozen essays by editors, critiques, color stories, commentaries. There is a personals column (instituted in the 1950's), a report on a modest study of reader response to a front-page column, a critique of the convention's traditional critique sessions. Like all such publications, *The Masthead* falls back on convention talks, obviously carefully chosen.

The Masthead is usually good reading—often wise and witty and stimulating, rarely banal, dull, or irrelevant. It appears to profit from the fact that NCEW's membership is small (391 in 1968, its peak) and homogeneous; and that it is a membership committed to editorial writing as a thoroughly professional activity—self-respecting, rarely pompous or self-important, sobering if not defensively sober. The vigorous support of the society and of *The Masthead* by the membership is apparent, a support that becomes significant when the roll call shows such names as Robert H. Estabrook, Harry Boyd, Dilliard, Lauren Soth, Wilbur Elston, James J. Kilpatrick, Vermont Royster, Dwight Sargent, Barth, "Wad" and Gid Seymour, Carroll Binder, Ralph Coghlan, Bingham, Robert Lasch, Robert M. White . . . a who's who of their craft.

In my opinion, none of these three journals is as good as a journalists' journal ought to be. The *Guild Reporter* seems to cover most of the news that a union paper ought to cover, but it makes only passing bows to the material that a professionals' journal might be expected to offer. The RTNDA *Bulletin* reflects the concern of the upper stratum of broadcast newsmen for the maintenance of respectable standards of behavior, but it is bland and monotonous in manner and content and trite in appearance. *Masthead* sets its sights higher; its prime interest is in responsible editorializing; in spite of its drab format, it is more likely to charm, amuse, or stimulate cranial juices than the other two.

Each fairly represents its sponsors. Your choice is not of the journals as journals, but rather of what attitude toward journalism concerns you.

The search for the King assassin and the fair-trial issue

RICHARD E. COHEN

Despite all the debate of the last five years, did the press still convict James Earl Ray in print before he went on trial?

■ In April, 1968, while much of a nation reacted first in stunned silence, and then in widespread violence, the American press was once again given the task of reporting the search for the assailant—the man who killed Dr. Martin Luther King, Jr. For the first time since the Warren Report, the national press had a chance to show if it had changed its attitudes on the issue of free press and fair trial in the murder of a public figure. In most court cases, these ideals do not come into conflict, largely because the press has devoted little pretrial attention to the cases. It is usually only in the “causes célèbres” that the conflict can develop.

Even in these cases, a balance between the free flow of news and the preservation of judicial integrity must be struck. Neither right is absolute;

rather, as one author has stated, “they must be reconciled in a manner calculated to cause the least injury to either value.”

There are two basic problems that need solution before the dilemma can be resolved:

1. The press must recognize its duty not to prejudice jurors, or, in fact, any other citizens, in pretrial coverage. Reporters and ultimately editors should not use a story unless they are absolutely positive it is true; the rumor has no place in a public forum. They must also seek neither to embarrass nor to undermine law enforcement either by voicing reservations on investigations that are pending or by conducting an “investigation” in which they hope to find and prove a criminal guilty (or sometimes innocent) in the news columns.

2. Law enforcement officials must take more pretrial responsibility for the protection of the accused. The report of a special panel of the American Bar Association, directed by Justice

Richard E. Cohen, a 1969 graduate of Brown University, is planning to enter the legal profession.

Paul C. Reardon of the Supreme Judicial Court of Massachusetts, arrived at the logical, if somewhat severe, conclusion that only biographical information, a description of the offense charged, and a factual statement describing evidence seized need be released to the press.

The problem of free press and fair trial has been thoroughly discussed by both the press and law enforcement bodies, specially in the past five years. All have had a chance to set firm policies. Thus, the events surrounding the search for Dr. King's assassin took place in a context of a better grasp of roles and aims than had existed before.

A Memphis newspaper

□ The *Commercial Appeal* is the only morning daily newspaper in Memphis, the scene of the assassination. It has a circulation of 235,000 and a staff of 100 local reporters. The paper presented a comprehensive news account of the slaying in its April 5 issue. (It reported incorrectly however, that the Presidential jet was en route to Memphis.) Included in the account was a straight police report of the description of the sniper. The fire and police director of Memphis, Frank Holloman, admitted that the police department's investigation revealed that the slayer had "simply faded" from the scene after the murder.

The editor, Frank P. Ahlgren, announced an offer, on behalf of the *Commercial Appeal*, of a \$25,000 reward "for information leading to the arrest and conviction of Dr. King's assassin." Offers of this kind rarely achieve success, and often serve only to sensationalize. (Incidentally, a front-page editorial in the April 5 issue made absolutely no mention of Dr. King's life or his accomplishments. Rather, it urged the citizens to look beyond the event, which was the deed of a "warped-minded" individual, for "somehow our differences and apparent [!] difficulties must be solved without further violence.")

In subsequent issues, the *Appeal* started its own investigation of the man in the rooming house who allegedly fired the fatal shot. Two days after the murder, it concluded "The assassin seems to be one man. The arrest of 'John Willard' should

wrap it up." In the same page one story, the *Appeal* quoted a psychiatrist who claimed the assassin was "impulsive and emotionally ill." (Ironically, an editorial on April 6, apparently written before the murder, dismissed the Reardon report, concluding that "the A.B.A. is restricted to the conduct and standards of attorneys. Period.")

A reading of the *Appeal* during the time of the search shows that the police director acted with restraint in release of information concerning the investigation. "No comment" was the standard reply as Holloman was clearly trying to avoid the criticism heaped on the Dallas police department following the Kennedy assassination.

Thus, the police director made it difficult for the newspaper to enter the murder mystery. But by interviewing a large number of private individuals who were near the shooting, the newspaper attempted by itself to reconstruct events surrounding the murder as well as an alleged police chase that followed. It also continually raised questions about the conduct of the investigation.

In its avid pursuit of the killer through its news columns, the *Commercial Appeal* presented a cartoonist's sketch of the alleged assassin's head. The sketch was drawn from reports by people who told the newspaper's reporters that they had seen him in the rooming house before the killing. One reporter took the sketch to the Birmingham, Alabama, rooming house where the man, later temporarily identified as "Eric Starvo Galt," had once resided, and asked the proprietor if the sketch resembled "Galt." The proprietor was quoted in the April 16 issue as saying "That's the man, I'm sure." Such actions raised serious doubts about the newspaper's desire to preserve the guarantee of a fair trial.

When James Earl Ray was arrested in London on June 7, 1968, the *Commercial Appeal* sent reporters to London and Toronto to attempt to reconstruct Ray's movements in the two months after the murder. In London, the reporter went straight to Scotland Yard to find details of Ray's apprehension, but was unable to get anything more than an "occasional cup of tea."

The newspaper's coverage of the search is best

summarized in an editorial of June 8 and a headline of June 9, 1968. Discussing the need of a "speedy and fair trial," the editorial stated: "It is important that all elements of society in Memphis and the Memphis area make a determined effort to maintain equilibrium and sanity. . . . To make a conviction stick, there must be no question about Ray receiving a fair trial. And that ultimately rests in the hands of a jury." Ironically, the next day's headline read:

Ray Mystery Deepens
On Possible Contacts
With Two Other Men

A telephone conversation during May, 1968, with Barney Dubois, city editor, revealed that, even in its official attitude, the *Commercial Appeal's* news policy was not greatly affected by the Rear-don report or by the events of Dallas. Mr. Dubois said that his staff was doing its own investigation and had traveled into several states in an attempt to find clues. He defended the action by stating that "if we allow the courts to have a closed trial and police to make any arrest—this could lead to a Fascist trial." Mr. Dubois said that he was not sure that Ray would be able to get a fair trial in Memphis, but he could not see how the combination of an enterprising press and the possibility of an "unfair" trial are interrelated. "You can find twelve open-minded persons anywhere," he maintained.

Mr. Dubois and his paper seemed oblivious to the possibility that a defendant's rights might be endangered.

A Boston newspaper

□ The Boston *Record-American* is a tabloid distributed each morning throughout New England. It is owned by the Hearst Corporation and, as such, is immediately tagged in much of the public mind with the stigma of being a sensation-seeker. But although news coverage is by no means complete, and photographs and columnists dominate the news space, the writing in the *Record* during the search for Ray was a far cry from yellow journalism. A reading of the newspaper shows a definite awareness of the sensitive fair-trial issue.

Immediately after Dr. King's murder, considerable news space was devoted to news of riots, and to the personal tragedy of the King family. Most coverage of the search for the alleged murderer was in the form of brief Associated Press stories that simply recorded the Attorney General's statements.

The *Record* diligently stuck to the creed that "unless there is something definite to report, don't report it." Whereas other newspapers raised questions about the FBI investigation as weeks passed, the *Record* continued to print only short stories usually ending with terse sentences such as "Federal officials still refused to discuss the progress of their investigation" (April 15, 1968).

The *Record* was so cautious that some would maintain that it was acting as a publicity agent of the FBI. By printing FBI pictures of the alleged murderer and official statements of his background, the *Record*, in effect, served to give broad circulation to the investigation, usually without adding further information.

A national newspaper

□ The newspaper known in the public mind as the one that tells its readers all there is to know is *The New York Times*. As the aristocrat of the nation's newspapers, the *Times* is the only real national daily publication with broad circulation, now totaling more than a million daily.

Yet in its efforts to report and analyze everything, the *Times*, if not to the same degree as the *Commercial-Appeal*, nonetheless jeopardized law enforcement by pursuing preconceptions with its own rich resources. Even if the editors did not accept the conclusion that one man would kill Martin Luther King simply for the thrill of it, they at least sent a reporter to the state prison in Jefferson City, Missouri, and interviewed prisoner after prisoner until one said: "I just couldn't believe it myself. If the man [Ray] did kill that man [King] it had to be for money . . . he didn't fool with anybody" (April 23, 1968).

The *Times* often makes one reporter an "expert" on a particular story. Thus, Martin Waldron became the *Times* expert on the search for Dr. King's assassin; thus, the experienced *Times* reader

would accept all that Waldron reported and agree with his analyses. As a result, Waldron could write that a "source" in the Justice Department said different witnesses in describing the accused killer "seemed to be describing different men. . . . This, observers believe, is why the Federal Bureau of Investigation changed its view and decided that the death of the civil rights leader may have resulted from a conspiracy" (April 20, 1968).

Waldron stayed close to the case throughout the search for Ray. When the alleged assassin was picked up in London, Waldron produced a chronology of Ray's recent history. A typical example of the writing described Ray's image while in Hollywood as that of a "loud-mouth racist." Thus, Waldron built up an image of Ray—an image that differed sharply from such later images of Ray as that portrayed by William Bradford Huie in *Look*.

Perhaps Waldron was right. Yet there was an implication that a criminal was really being tried by *The New York Times*, not as a newspaper but as a supreme interpreter of the law.

The coverage by the *Times* can be aptly characterized from an editorial of June 10 from that newspaper: "A case can be 'killed' without killing an accused before he goes on trial."

A national magazine

☐ *Life* magazine published an issue (May 3, 1968) with a cover that reproduced a thirty-year-old grammar school class portrait that revealed, among other things, the top half of James Earl Ray's head. The headline read—

THE ACCUSED KILLER
RAY alias GALT
The
Revealing Story
of a Mean Kid

Perhaps the 30,000,000 Americans who saw that cover believed as a result that James Earl Ray had killed Dr. King. Assuredly, *Life* would claim it had done nothing wrong since it only stated that Ray was the accused killer; most people, however, usually pass over that word rather quickly

and accept the conclusion that to be "accused" of a killing is tantamount to having committed the crime.

On the inside, the story dramatized the FBI's description of Ray's life when it called him "no more than a lean, battered wild-hair, a punk who was a local nuisance in half a dozen Mississippi River towns, a convict who had escaped a year ago in a bread truck from the Missouri State Penitentiary . . ." *Life* wanted its readers to feel sorry for Ray; its editors also wanted readers to believe that James Earl Ray had killed Martin Luther King. If they did not, they would not have devoted the first ten pages of an issue to his life. Thus, in the same article, *Life* reprinted James Earl Ray's record while he was in *second grade*:

Attitude towards regulations—violates all of them.
Honesty—needs watching.
Appearance—repulsive.
Courtesy—seldom if ever polite.

Life obviously took pride in its accomplishments. In the weekly editor's note at the beginning of the magazine, Chicago Bureau Chief Gerald Moore wrote: "It was a chance for reporters to use every technique they had ever learned, and on this story there were few tricks we didn't try." Another reporter was quoted as calling the story a "reporter's dream."

A glance at Time

☐ A special committee of the American Newspaper Publishers Association declared in 1967 that "the press has a responsibility to allay public fears and dispel rumors by the disclosure of fact." This declaration was violated by a *Time* magazine story of April 26, 1968, that stated: "While the hows and whys of the murder continued to elude the authorities, amateur assassinologists assumed from the start that King's death has been engineered by a group of white Southern racists. The plot, said some, was hatched in Birmingham; others maintained that it was a made-in-Memphis undertaking . . ." By presenting conclusions based entirely upon unconfirmed, unproven reports, *Time* was serving only to enlarge the rumor mill.

The Look treatment

□ On June 7, 1968, James Earl Ray was arrested by officers of Scotland Yard at Heathrow Airport in London. Interest in the case did not subside. The public wanted to know whether Ray had been paid to shoot King, if, in fact, he was the one who had pulled the trigger; whether there had been others involved; where Ray got the money and ability to elude police officials for more than two months.

William Bradford Huie, an investigative author, began intensive research in preparation for a book as well as articles for *Look*. While never having seen or spoken to James Earl Ray, he concluded in the November 12, 1968, issue of *Look*, as the result of a series of letters Ray had written to him in return for Huie's financing the defense's case (this financing, in itself, casts serious doubts on Huie's ability to look at the case unprejudiced), that he believed Ray had been involved in a plot of a group of men who wanted to create dissension between whites and Negroes in the United States. The article mentions a person named "Raoul" who Ray said had arranged the logistics of the plot. But, incredibly, Huie changed his mind in print five months later when he discounted the role of "Raoul" and wrote (*Look*, April 15, 1969) that if, in fact, there had been a conspiracy, then it was a "small" conspiracy and that "James Earl Ray was probably its leader, not its tool or dupe." In his series, Huie left many questions either unanswered or with ambiguous answers. This made for an interesting mystery, but, unfortunately and tragically, Mr. Huie was dealing with a living individual charged with one of the most heinous murders in the nation's history.

The trial

□ Though my article is intended to deal primarily with pretrial coverage, anyone who has studied the case is forced to deal with the March 11, 1969, trial in Memphis and the fact that, at that time, James Earl Ray was sent to the state

penitentiary for 99 years without a real hearing, leaving doubt that he committed the murder alone, as the result of a pretrial "deal," possibly to save him from the electric chair. The trial was a farce and the press had every right to voice its outrage.

The question can then be asked whether the March 11 trial was proof that the press should do everything it can to attempt to solve murders before they reach the courtroom so that the American public will not be prevented from knowing the whole truth. And the answer *must* be no. If critics are upset by the results of a trial, they have every right to speak out either by calling for a retrial or by strongly criticizing the actors in the first trial and somehow attempting to see that such a trial is never repeated. But for the press to do the work of the court before the formal trial is to undermine all notions of the legal process.

Ultimately at stake in this issue is whether a democratic government can and should work out its problems by itself. Barney Dubois of the *Memphis Commercial Appeal* said in May, 1968, "You can find twelve open-minded persons anywhere." In a sense that no one could possibly have understood then, he was wrong, for on March 11, 1969, twelve persons sent James Earl Ray to prison without having heard the full story of his case.

The morality of the courts can usually be legally enforced in the long run; the morality of the press has not been greatly tampered with during the twentieth century. Regardless of the resolution of the Ray case, newsmen will still be forced to determine whether they will adhere to a "rule of reason" in their pretrial reporting—whether they will disclose only that information that it is necessary and useful to disclose.

The press can attempt to improve the morality of the courts and has often been successful at doing so. Unfortunately, the courts may soon be attempting to enforce the morality of the press unless editors and reporters correct many of their serious infringements of the pretrial rights of the accused.

The ultimate shutdown: the Detroit strike of 1967-1968

WILLIAM SERRIN

For 267 days, two newspapers and fourteen unions locked in a traumatic struggle in the country's most shutdown-prone city. This is what it was about and what—if anything—it solved

■ The 267-day Detroit newspaper strike, longest in American history, was the result of fear and distrust on the part of both publishers and unions. Certainly, obstinacy and self-interest, operating on both sides, were also at play, but in the end it was, simply enough, an inability to talk square—by both sides—that did the Detroit papers in.

Filled with Byzantine maneuverings, confusion, profiteering, and legislative investigations, the strike left Detroit, the nation's fifth largest city, without its two major dailies, the *Detroit News* and *Detroit Free Press*, at a critical juncture. Just four months before the strike began, the city had undergone a five-day riot, the most costly upheaval in American history. That the city needed

its newspapers made absolutely no impression on either publishers or unions. In the nine months that the presses were down, dozens of major stories went unprinted: the assassinations of Senator Robert Kennedy and Dr. Martin Luther King, Jr., the capture of the USS *Pueblo*, the announcement by President Johnson that he would not seek reelection. Scores of important Detroit stories simply went unreported. As post-riot fears swept Detroit, an exasperated Mayor Jerome Cavanagh declared, of the strike, "It's reached the point of insanity."

Yet neither side cared—at least cared enough—to compromise. Dr. Nathan Feinsinger, the labor expert who finally helped shape a settlement, said that the relations between publishers and unions were "the worst I've ever seen." Certainly, Detroit's publishers and unions earned the judgment that Mayor Robert Wagner gave of publishers and unions in the New York strike of 1962-1963: "Both sides deserve each other."

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Now, with the papers back on the streets, distrust remains. With the specter of automation hanging over them, the unions intend to fight for every job, even though this means continuation of widespread bogus and featherbedding. As for the publishers, they will fight for every dollar, with the *News* seemingly committed to breaking any strike when contracts expire in June, 1971.

The challenge, of course, is to institute reason. Even now, there are no real plans for establishing dialogue, despite thirteen newspaper shutdowns in Detroit since 1955. Little enthusiasm seems to exist in Detroit for a proposal by Dr. Feinsinger for a major study of labor relations in the American newspaper industry, with assistance from mediators Theodore W. Kheel, in New York, and Sam Kagel, in San Francisco. A top Detroit union official, William Croteau, president of the local International Typographical Union, says that "something new and different" like proposed quarterly seminars between unions and management "would be construed as union weakness." He says: "The publishers would have every right to assume that the unions are panicky."

How it happened

□ The strike began at midnight, November 15, 1967—a complete surprise. As November 15, the strike deadline for Teamsters Local 372, approached, everyone concerned with negotiations was convinced that there would be no strike in Detroit. Certainly, a monumental shutdown like the 134-day walkout in 1964 seemed impossible.

Traditionally, the first union to settle with the *News* and *Free Press* (the publishers bargain jointly with most of the unions as the Detroit Newspaper Publishers Association), sets the pattern for all the others. This time, it was expected that the Typographical Local 18 would lead the way. Croteau says: "It was understood. I was going to set the pattern." But on October 29, talks between the publishers and the ITU had been recessed, while Croteau waited for an ITU international representative to arrive to help with the bargaining.

On November 14, the *News* Teamsters, led by

their ambitious secretary-treasurer, Elton Schade, 27 years old, abruptly told a federal mediator that the *News* must make an offer by November 15, the strike deadline. On November 15, about 5:30 p.m., *News* negotiator Roger Hildenbrand made the offer: a 4-per-cent wage increase that would mean about \$12.25 a week to the Teamsters over two years. The Teamsters caucused for an hour, and rejected the offer. The meeting was adjourned, with publishers and mediators convinced that the offer, obviously an initial one, had been sufficient to prevent a shutdown. There was even talk of a meeting on November 22.

But the publishers did not realize—perhaps inexcusably—how militant many of Schade's Teamsters were, especially the younger drivers and jumpers. Nor did they understand the hatred between Schade and Hildenbrand, the *News* labor relations counsel, who possesses a cutting personality that, to the unions, characterized what they called publisher arrogance.

Earlier, Schade had negotiated a lucrative contract with the suburban *Macomb Daily*; now he wanted an equally profitable contract from the *News*. In addition, he knew that traditionally the *News* Thanksgiving editions were the biggest of the year and that supplements were already stacked in the warehouses.

Leaving the *News* negotiation session, Schade (who, like the jailed Teamster International president, James R. Hoffa, has never driven a truck) went immediately to a meeting of the Detroit Council of Newspapers Unions, a confederation of the fourteen Detroit newspaper unions. He told Council leaders that the Teamsters intended to strike. The leaders, including Schade's own president, aging Clare O'Connor, tried to change his mind. Schade merely took the issue to his membership. Some days before, a *News* circulation district manager, a Teamster, had been murdered in a *News* substation. The Teamster rank-and-file were up in arms; they had demanded that the *News* prevent further violence and had not been satisfied with the *News* response. Given this, Schade's personal ambition, and his hold on the rank-and-file, a strike was certain: the vote,

361-50. Pickets were outside the *News* by 12:15 a.m., November 16. The strike was on.

Not even the leaders of the Teamster International (never a strike-prone union) expected the strike. Charles O'Brien, a Teamster international representative and a protégé of Hoffa himself, says, "Schade got carried away . . . I think he's learned a hard lesson—a lesson he'll never forget."

On November 17, the *Detroit Free Press* suspended publication in accordance with an unwritten but long-standing publishers' agreement that a strike against one paper would be considered a strike against the other. Later, Lee Hills, *Free Press* publisher, agreed that the *Free Press* obviously could have continued publication with the *News* down. But to have done so, he argued, "would have conceded that any one of the fourteen unions . . . could arbitrarily decide which newspaper would be published and which would not." The *News* publisher, Peter B. Clark, more than twenty years younger than Hills, is a tough conservative directly descended from *News* founder James E. Scripps. He said that if either the *News* or *Free Press* were to give in to the union whip-saw, "It would very quickly do very, very great damage to one newspaper or the other, and probably to both."

It was not to be a "two-day strike" as Schade had casually predicted to union leaders the night of November 15. It would last nine months, through winter, spring, and summer. More than 3,300 *News* and *Free Press* employees would lose more than \$14 million in wages. Union strike funds would be drained by at least \$4.5 million; at least one fund would go broke.

Enter the predators

□ Now the second phase of the strike unfolded—the strike papers, the "vulture press." Strike papers, at least strike papers that make money, are seemingly a unique Detroit phenomenon. In the 134-day strike in 1964, five men who set up the *Detroit Daily Press* made a \$500,000 profit. For the eight Teamsters who ran the distribution system the *Daily Press* netted as much as \$250,000.

Ever since that strike, talk of big strike-paper

money had circulated in the Detroit newspaper community, especially among Teamsters. At least three of the four strike papers that surfaced in the 1967-1968 strike were planned before November 15—the *Detroit Dispatch* in November, 1965; the *Detroit Times* (it never got off the ground in 1967) at least months before the strike; and the *Detroit Daily Express* in September, 1967. Incorporation papers for the fourth paper, the *Daily Press*, the old big-money winner, had been kept current since 1964, just in case.

Three days after the strike, the first strike paper, the *Express* (claiming a top circulation of 352,000 and billing itself, correctly, as "Michigan's largest daily paper") hit the streets, staffed mainly by laid-off *Free Press* reporters. In two more days, the two other strike papers were out—the *Dispatch* and the *Daily Press* (billing itself "The paper you've been waiting for since 1964").

The publishers were incensed, and in December, the *News* filed a \$175,000 law suit against nine *News* Teamsters, all district managers, and Frank Beaumont, the *Daily Express* publisher, saying that the Teamsters had unlawfully appropriated the *News's* secret circulation lists for the *Express* distribution system. (The suit is still pending, but in August, 1968, when the strike ended, the nine Teamsters were fired; in January, 1969, the dismissals were upheld in arbitration, with the arbitrator calling the Teamsters' alleged actions "industrial adultery" and a "mortal sin.")

In early January, 1968, the phenomenon of the strike papers, and the fact that their backers stood to cut a jackpot approaching \$1 million was told by another reporter and me in *The Reporter*. Clark, the *News* publisher, had dozens of the *Reporter* articles broadsided throughout the newspaper industry and to influential Detroit businessmen and community leaders. Senator Robert P. Griffin, Michigan Republican, took the floor of the U.S. Senate to charge that the Teamster involvement in the strike newspapers (Teamsters were also profitably heading circulation for the *Dispatch* and *Daily Press*) represented "nothing less than labor racketeering in a new guise."

A special state senate committee launched an

investigation of the strike papers, hearing O'Connor, the Teamster Local 372 president, testify that some Teamsters working on the strike papers "were making as high as \$800 and \$1,000 a week." Frank Quinn, head of the *Express* circulation company, testified that he had made \$1,380 a week—six times his normal *News* salary.

With all the notoriety, the Teamsters International leaders, concerned over the Teamster image ever since the jailing of Teamster leaders Dave Beck and Hoffa, flexed their muscles, directing Schade and local president O'Connor to force the shutdown of the *Express* and *Daily Press*. (The *Dispatch* had died a normal death from poor circulation.) Schade and O'Connor made no bones about their goals: they simply told the *Express* and *Daily Press* to grant the same 10-per-cent wage increase they were then demanding from the *News* and *Free Press*, and to hire all Teamsters who wanted work—hundreds of them. The *Express* and *Daily Press* refused, and were closed.

By the end of January the strike papers were dead. All this time, representatives of the *News* and *Free Press* had been saying that the strike papers, removing public pressure for publication of the *News* and *Free Press*, were prolonging the strike. Perhaps they were. But now, even with the papers down, any hope that an atmosphere existed for settlement was dashed.

The bargaining morass

□ Earlier, on November 30, 1967, the Detroit Council of Newspaper Unions, saying it recognized the chaotic nature of multi-union bargaining, had attempted to offer itself as an instrument to end the strike. Norman Park, council president, suggested that the publishers negotiate the wage package directly with the council, and thus eliminate negotiation with each of the unions. The publishers turned the offer down—as they did a second offer on January 9.

According to the publishers, the offer was tempting: for the first time in Detroit, the unions were offering industry-wide bargaining. But the publishers said that the Council of Newspaper Unions could not guarantee that each union would

go along with a jointly negotiated contract. In its post-strike story, the *Free Press* declared: "Quite simply, the craft unions were unwilling to let any agency, even a union organization, do their bidding for them. As a result, any agreement would commit the publishers but not the unions."

Now union leaders were incensed, with Park, the council president, branding the action "an act of arrogance." Tom McMahon, an executive of the Detroit Newspaper Guild, told the state senate committee investigating the strike that under the council plan, "the publishers had every bit as much assurance that what the council would recommend as a wage package would be accepted as they would have had had they worked it out with the bargaining committees of the individual unions." McMahon argued that the *News* and *Free Press* actually preferred multiunion bargaining because it allowed them to establish a pattern and force it on the remaining unions. Few accept that argument, but an increasing body of opinion has contended that the *News* and *Free Press* erred in not accepting the council offer.

At this point in early February, 1968, negotiations continued primarily between publishers and Teamsters. In late December, the Teamsters had submitted a publishers' offer of a \$27, thirty-six-month wage and fringe benefits package to its members. But the *News* and *Free Press* Teamsters had rejected the offer. Negotiations had resumed, and on February 5, Teamsters and newspaper spokesmen announced tentative agreement on a \$30, thirty-six-month contract.

To much of the public, the end of the strike seemed near. Certainly, the publishers tried to force an end, for when the agreement was announced, Hildenbrand, the *News* labor relations counsel, declared, "The publishers consider that a pattern has been set with the striking union. In view of our long-established practice of negotiating with other unions any pattern that is set, we will now endeavor to reach agreement on the same basis with the non-striking unions."

If the publishers—Clark of the *News* and Hills of the *Free Press*—believed this, their hopes were immediately shattered. The other unions believed

that the Teamster settlement had been forced on Local 372 by Teamster international officials. The union leaders also were angry at what they considered the *News* and *Free Press* presumption that a \$30 Teamster settlement could serve as a settlement for all.

On February 15, Teamsters at the *Free Press* accepted the offer, 244-135, but the *News* Teamsters, always more militant, turned it down, 299-243. Now the strike was back where it started. Indeed, it was farther back, for on February 21, the Detroit Lithographers and Photoengravers, council president Park's own local, voted to strike. On February 28, the Pressmen went out, and the ITU followed on March 8.

On February 28, Mayor Cavanagh entered the strike, just as he had in 1964. Teamster and newspaper representatives were summoned to Detroit's City-County Building. In a 17-hour bargaining session the night and morning of March 7-8, minor improvements were added to the \$30 Teamster package. Under heavy pressure from the Teamster International, the *News* Teamsters ratified the agreement on March 15, 336-194. By now, however, another union was on strike—the Paper and Platehandlers, the fourth to go out. A settlement remained far off.

The publishers, with an agreement with the Teamsters, were now confronted with a comparable \$36 demand from the remaining thirteen unions. Besides, there were hundreds of non-economic issues on the table. The atmosphere had never seemed more bleak.

At the end of March, Cavanagh re-entered the picture, announcing that he had asked Dr. Feinsinger to come to Detroit to mediate. Neither publishers nor unions ever formally approved of Feinsinger's entry into the talks (the Council of Newspaper Unions still refuses to pay its half of Feinsinger's \$12,710.34 fee) but tacitly they let him move in.

Feinsinger, who had mediated the New York transit strike in 1966, bided his time, flying into Detroit then almost immediately returning to Madison, where he is on the faculty at the University of Wisconsin. He kept in touch by tele-

phone with state and federal mediators and met daily with representatives from Cavanagh's office. Nothing broke.

The Easter advertising season came and went, as did the assassination of Dr. King, after which, surveying his National Guard-patrolled city, Mayor Cavanagh asked both publishers and unions to resume publication at least temporarily. The publishers agreed, perhaps anticipating the unions' action. The unions refused.

Governor Romney then announced that *he* was entering the strike, as he had done in 1964. Romney said he was directing publishers and union leaders to meet with him at the capital at Lansing. For the basis of his actions, he cited what he said was a report from state mediator Philip Weiss that the Cavanagh-directed efforts had broken down. (Weiss had died just after submitting the report.)

At this point, the strike took on aspects of a kindergarten spat. The unions agreed to attend the meeting, as did Hills. But the *News* publisher, Clark, refused. Clark and Romney sparred for three days. Romney threatened to subpoena

Efforts to End Detroit's Record Blackout Snarled

Clark, and Clark obtained an injunction in federal court that barred the governor from interfering in the strike, on the basis that federal laws had pre-empted the right of states to intervene in labor disputes. Clark never attended the meeting, which was cordial but of little significance.

It was now mid-May. At this point, in Washington, Teamster International President Frank Fitzsimmons called a meeting of his own—of national leaders of the four striking unions. At the meeting, Fitzsimmons worked out an agreement under which Dr. Feinsinger would come to Detroit to mediate the talks on a full-time basis.

The optimist

□ Early on the morning of Memorial Day, 1968, Feinsinger, after brief meetings with publishers and union leaders, announced at his command post in the Sheraton-Cadillac Hotel that he was taking over as official mediator of the strike. At 66, and suffering from Parkinson's disease, Feinsinger, with darting eyes and cane, and almost always in the company of his assistant, Dr. Eleanor Rowe, had one main tactic: manufactured optimism. Creating committees and sub-committees, tapping with his cane from one meeting to another, Feinsinger saw optimism when none existed, and exaggerated it when it did. In so doing, he created motion. In addition, he earned the trust of publishers and unions. Once, when he left a meeting to have a drink in his room, the story goes, a union negotiator said, "Dammit, doc, we don't have any liquor in *our* rooms." Moments later, a knock was heard on the door of the union suite. Feinsinger tapped slowly in, tossed a flask on the bed, and tapped out, without a word.

Slowly, non-economic issues were settled and then the negotiators turned to what the strike was all about: cash. For the first time in Detroit, both publishers—Clark and Hills—were personally on hand, and slowly and reluctantly they edged from the \$30, three-year contract negotiated with the Teamsters. (Robert Holmes, Teamster International vice-president, privately also approved Feinsinger's moving to more money than was contained in the \$30 Teamster package.) Slowly, too, the unions came down from their \$36 demand. At one point, Feinsinger cleared the room and criticized publishers for being so adamant. Another time, he publicly criticized the chief ITU representative.

On June 15, Feinsinger added another theatrical touch, announcing that he was calling a midnight press conference to make public his recommendations for settling the strike, which, he cryptically noted, would be exactly seven months old at the stroke of midnight, when his press conference would begin. More than 200 people jammed into the Sheraton-Cadillac's Boulevard Room, and under klieg lights, Feinsinger an-

nounced his "framework" for settlement: a \$33 wage-and-fringe benefits package with the unusual breakdown of \$11 the first year, \$10 the second, and \$9 the third, with an additional \$1 in each of the thirty-fourth, thirty-fifth, and thirty-sixth months of the contract.

Perhaps Feinsinger did not stress the word "framework" sufficiently. For the unions saw his proposal not as a "framework" but as a final offer of settlement. Perhaps, indeed, Feinsinger hoped dramatically to trap both sides into a quick settlement at exactly the stroke of midnight. The publishers, again agreeable, accepted the "framework." The unions turned it down. Now Feinsinger was bitter. In an uncharacteristically caustic comment he declared:

This strike has caused great damage, I hope not irretrievably, to the Detroit newspapers, to the unions, and, most important, to the public at large. It is in the public interest to insure a free and independent press and a free and vigorous labor movement. As a corollary, the newspaper industry owes a duty to seek ways and means of insuring stable labor relations in this vital enterprise. I sincerely hope that such a search will be undertaken before it is too late. . . . I have been advised by the publishers that they are accepting my proposal for settlement. I have been advised by the unions that they are not. Now, unfortunately, somebody failed to read the printed language, which is, that I am proposing a framework for settlement. . . . I refuse to take the report of the union officials . . . because I do not think it is a sportsmanlike position. . . . I hereby respectfully and officially request that the unions withdraw their action pending a meeting with me tomorrow so as to carry out the spirit of the framework. All I want you to know is this—the record shows that the newspaper industry has been dying by inches. Once in a while, in New York, by a yard or so. I contend . . . that the same thing is going to happen in Detroit, with this abominable enmity between the parties. . . . If we don't want governmental intervention then we've got to show some responsibility of our own. . . . The record shows that the labor contracts in this industry are merely interludes between strikes.

But for all Feinsinger's warnings and pleas, the unions, led by the ITU, failed to reconsider. Next

day, on Sunday, June 16, Feinsinger said, "I think the whole structure of collective bargaining in this city, in this industry, is shot through with bitterness, hatred, and rancor. I heard positions expressed yesterday, in separate conferences, of such a nature as I had not seen or heard since the 1930's, and I think that having accomplished as much as we did in the face of that feeling is ... a true victory."

Then, after an unproductive meeting with the union leaders, Feinsinger boarded the 1:55 p.m. North Central Airlines flight to Madison.

The invisible corner turned

□ Now the situation looked as bleak as it had in February. But actually the back of the strike had been broken, although no one realized it. The maneuvering began that would end the strike. On June 18, the Teamsters signed their \$30, three-year contract. The immediate question was whether the Teamsters, an independent bunch, would deliver papers published without union help. The Teamsters remained silent, but the implicit understanding was that they just might help break the strike.

The *News* then took bold action that was to cut the strike wide open. On June 21, the *News* shocked Detroit, a union town for thirty years and more, by announcing that it would begin training non-union and supervisory personnel to put out the paper. The *News* was sabre-rattling: it was saying that if the strike dragged on, it would attempt to break the unions. *News* vice-president Ed Wheeler, a man with a knack for a phrase, said, "We do not intend to sit around wringing our hands while the unions wring our necks."

In an attempt to re-open negotiations, the striking unions asked the United Auto Workers to intervene. Walter Reuther, UAW president, appointed Irving Bluestone, a top aide, and the UAW's intellectual-in-residence, who, like Cavanagh and Romney, had also played a role in the 134-day 1964 strike. Bluestone, indeed, had settled it. On June 22, Bluestone had lunch with Feinsinger, and then closeted himself for "many, many hours" with officials of the unions, making it plain

that the UAW's advice was to return to the bargaining table and settle the strike around Feinsinger's \$33 "framework."

On June 25, just three days later, Feinsinger, with Bluestone at his side, announced that an agreement had been reached based on the \$33 "framework." What the unions got was this: a \$33 pay package with the yearly pay hikes coming earlier—at ten-month intervals instead of twelve as Feinsinger had originally proposed, and with the final \$3 payable at the start of the thirty-fourth month. In addition, they received a thirty-four-and-a-half-month contract, making the package closer to their \$1-a-month formula. For their part, the publishers got a contract dated from resumption of publication—August 9, as it turned out. This was a major victory for the publishers, for it meant that the new contract would fall due in June, 1971, and the unions would no longer be tempted to threaten a pre-Christmas newspaper strike. For the rank-and-file worker, the settlement meant about \$100 more a man for the life of the contract than the Teamster package.

Now the strike was over, but it would take nearly a month and a half to get the papers back on the streets. Two problems remained: Mailers at both the *News* and *Free Press* who had voted during the strike to switch from the International Mailers Union to the ITU Mailers, now had to be given an entirely new contract with the Mailers, an involved, time-consuming process. The Newspaper Guild of Detroit faced an issue of vacation credits complicated by the strike. After haggling, the matter went to arbitration.

The other unions ratified one by one with deliberate slowness, they admitted, so as not to pressure the Mailers and Guild. On August 5, the *News* and *Free Press* began recalling their off-work employees. On August 9, the strike ended, as the *News* published its first editions in 267 days. The *Free Press* editions hit the streets on Saturday, August 10, under a standing agreement (a comment on the frequency of Detroit newspaper strikes) in which the papers alternate on first publication of post-strike editions. The strike, after nine months, was over.

What it meant

□ Certainly, mistakes that both caused and prolonged the strike were made by publishers and unions, as each side makes clear of the other.

Besides the personal ambitions of Schade and the fact that the idea of big money on the strike papers obviously tempted many Teamsters, it seems fair to say that it was a corruption of the doctrine of union solidarity for the unions blindly to refuse to cross Teamster picket lines—simply, it seemed, because they were there.

At the same time, publishers' solidarity—the publishers' agreement—meant that the *News*, conservative and heavy-handed, always set the publishers' pattern. The *Free Press*, although it prides itself on its labor relations, merely tagged along. If it had led, the *Free Press* would probably have moved to settle the strike long before August.

What this means, on both sides, then, is that the most aggressive parties become the leaders—the Teamsters and the *News*, in this case. It is the "convoy principle" at work.

In addition, the fact that the unions forced the publishers to deal with fourteen separate unions is indefensible—an indictment, in large part, of the misuse of tradition by the likes of the ITU's Croteau, who takes immense pride in continually pointing out that the ITU is a "proud union" dating from 1852.

Both unions and publishers were easily able to withstand the strike. The unions, except, ironically, the Teamsters (weekly strike benefits, \$25), have large strike benefits—\$101 a week for the ITU—and this, plus easy access to at least part-time employment, meant that few back-shop strikers suffered. As for the papers, both the *News* and *Free Press* are immensely profitable, the *News* being the largest newspaper in Michigan (pre-strike circulation 700,321), with the lucrative ownership of WWJ and WWU-TV, Detroit. The *Free Press* (pre-strike circulation, 590,546), fast gaining on the *News*, is a member of Knight Newspapers, a solid eight-paper chain that includes the highly profitable *Miami Herald*.

But long-standing trends also contribute to the labor dilemma in Detroit, and it would seem much

of the rest of the nation's newspaper labor problems, as well. For years, wise business management and labor relations often took second place to assured profits and smooth operation in Detroit, just as they did in other cities like New York, Chicago, and Los Angeles. In the 1950's, with the coming of television and the moves of tens of thousands of Detroiters and business and industry to the suburbs, the push was on for advertising that was being lost to television and suburban papers. On the union side came a rise in demands, at times unreasonable, for more money and increased benefits.

What developed was increased militancy on the part of both publishers and unions. Normally,

Never Again. News Vows

2 Detroit Papers Resume Operation

the *News* and *Free Press* are fierce competitors. Yet when it comes to money, they stand together. "They agreed on one thing," an observer says: "They weren't going to be whipsawed." And the unions are just as hardnosed: they want the dollar the companies want to keep.

As an outgrowth of the strike, a number of changes in Detroit's labor relations have been proposed by experts who observed the walkout. Among them:

A federal or state-enforced cooling-off period of, say, 60 days, before a union can strike.

A self-imposed union regulation that no one union can strike without council permission, and, if it does, a provision that the other unions will refuse to honor its picket lines.

A thorough study, with Detroit receiving much of the focus, of the American newspaper industry, with a blue-ribbon committee acceptable to both unions and publishers making recommendations.

Formation of the fourteen Detroit unions into a federation that would be empowered to negotiate a joint economic settlement, and recommend acceptance to members of all unions, which would vote as a body.

Institution of profit sharing or similar employee participation plans to give employees a stake in the papers that is presently lacking in Detroit.

A proposal, by former Governor Romney, to allow states to intervene in strikes like the Detroit newspaper blackout that pose local emergencies.

Of most importance, however, according to observers like Feinsinger and the UAW's Bluestone, is the establishment of coordinated bargaining in Detroit. Feinsinger says, "If you get that, you won't need anything else."

On the publishers' side, it is just as important, says Bluestone, that the *News* and *Free Press* address themselves to reaching a fair solution to the problems of technological change. Bluestone, whose UAW (as the publishers are wont to point out) never enjoins auto makers from making technological improvements, says, "The whole question of technological progress in the newspaper

Strikes Settled, Detroit Dailies Are Fat, Sassy

industry deserves a great deal of investigation from both sides." He adds, "There's one hell of a lot of ferment in the newspaper industry about technological progress, and I don't know that the publishers are doing a hell of a lot" to allay employees fears.

Yet it is difficult for employers to act paternalistic towards employees, especially semi-skilled employees, who according to one executive, "continually try to bleed us to death."

With the *News's* strike-breaking threat hanging

over the Detroit unions, there is now belief in Detroit that the unions will be more careful about a walkout in 1971. Clark, it is known, has said privately that he is not bluffing. The ITU's Croteau responds: "It's a fair position for the *News* to be in. They've found the key. I think it's the equalizer." He adds, "People say they can't do it. I've got news for them. They can." Yet the *News's* threat is brinksmanship and could lead to war.

More heartening, then, is the hope that by 1971, each union will think twice about walkout without the consent of the others. Croteau says: "We're not going to support bank robbers, just because they're union bank robbers. Now, if they want air-conditioning in their cabs, or fur on their toilet seats, they're not going to get our support. And therein lies our salvation."

Ralph Smith, president of the ITU Mailers, says, "No one union will ever strike again. And the reason is obvious." The *News* and *Free Press* thought that sentiment to be so much of a possible aphorism that each made it the closing in their separate post-strike stories.

Still, such sentiments have been voiced following each Detroit newspaper strike. And still strikes occur. Even now, a year after the strike, the sweeping study of the American newspaper industry that Feinsinger proposed when announcing the Detroit settlement, seems a dead issue.

Feinsinger said in mid-strike of the unions: "You have a sharp diversion of interests and you deal with a number of non-conformist institutions. What little energy they have left from battling with the publishers they use in battling among themselves."

Of the publishers, he said, "Publishers don't seem to address themselves to the problems. They appear resigned to the inevitability of a strike as the determining factor in disputes. I'm amazed that an industry considered the most effective in the communications field seems resigned to this fate and isn't doing a damned thing about it."

For the time being, Detroit is not doing a damned thing.

Notes on the art

An interested observer views an oil shale incident

■ It began late in May, 1967, when Chris Welles, a *Life* magazine staffer for about six years, came to my country newspaper office in Frederick, Colorado, to interview me as a follow-up lead to a *Ramparts* magazine article entitled "Teapot Dome 1967?". Written by Adam Hochschild, the *Ramparts* article had noted that I had alerted *Ramparts* to the story and supplied them information.

As Welles skeptically took notes during that first interview, his associate, a *Life* staff photographer, busied himself snapping numerous pictures on the operations and staff of the *Farmer and Miner*, legal newspaper for the area, which I then edited and published.

During the interview I gave Welles a basic summary of the charges made via some twenty-seven articles in the *Farmer and Miner* regarding oil shale lands, in Colorado, Utah, and Wyoming, which former Senator Paul Douglas of Illinois was later to call "the most submerged issue in American domestic politics involving the greatest scandal in the history of our Republic."

I explained to Welles the means and methods by which I believed

that large American oil corporations and their front men had virtually stolen thousands of acres of oil shale lands for \$2.50 an acre when the land was often selling in excess of \$2,000 an acre on the open market. I briefed him in detail on how powerful private interests financed by oil companies were trying to obtain thousands of acres of lands from the Federal Government under guise of invalid and abandoned pre-1920 oil shale mining claims. In such maneuverings by private interests many aspects become difficult to explain and legal situations become vastly complex. Thus it was necessary that Welles be offered everything in my files pertaining to the subject. Since I had been investigating the scandal for more than two years my files had become voluminous.

About two weeks after that first interview, Welles telephoned from Washington to inform me that he was carrying forward his investigation. He also indicated that he was now aware that he was indeed, involved with a huge story that would "shake the nation" once told. Welles also said he would keep in close touch, wanted my continued help, and would be back to Colorado in the near future.

Burdened by the responsibility of producing the *Farmer and Miner* from week to week, Elaine (my associate editor and wife) and I were working under horrible conditions in attempting to lend as much time as possible to research and to investigate the political and economic

implications of oil shale while getting a paper out. For this reason we knew that I could not devote much more time to *Life's* efforts gratis, though nothing would have pleased us more.

Therefore when Welles returned to Colorado and suggested that I give him full time for at least a short period of time until he could "speak the language" regarding the oil shale issue, an agreement was drawn up for *Life's* consideration that would pay me \$400 a week, excluding expenses, as well as "protect certain federal employees who may give information or leads to either Welles or Freeman, during their pursuit of information dealing with public domain oil shale and related aspects." Welles, as business editor of *Life*, signed the agreement on June 26, 1967. For three weeks thereafter checks from Time Inc. came through to me regularly in \$400 amounts, with Welles paying me expenses from his pocket.

Because of the complexities of public land and mineral law and the vast political and economic implications regarding what I believed to be the richest natural resource known to man, containing as much as 2.6 trillion barrels of oil, it was necessary to place Welles in the hands of experts who had been working with me. These included, among others, Robert S. Palmer, executive director of Colorado's Mining and Industrial Board; Senator Douglas, who introduced a bill in 1965 to pay off the national debt from oil shale royalties, and Dr.

Morris Garnsey, an economist at Colorado, expert in resource economics of the Rocky Mountain West. Also I urged Welles to interview people like Colleen Connelly, Thomas M. Stewart, Albert B. Logan, and Fred March, attorneys formerly in the Interior Department's Regional Solicitor's office in Denver, who were instrumental in turning the department around on its oil shale policy.

I also made my complete files available to Welles, including hundreds of letters to government officials, and just as many hundreds of documents relating to past oil shale and mineral resource frauds in government operations. Meanwhile, Welles had begun intensive interviews with the likes of Dr. Tell Ertl, a former Interior employee in the Bureau of Mines, portrayed by *The Wall Street Journal* as the possible benefactor of a \$40 million fortune through his arrangement with Shell Oil Company and the Federal Government in an oil shale deal.

Though staying in contact with Welles by phone, I did not visit with him between July and September, until I went to Washington to testify before the Senate Interior and Insular Affairs Committee's hearings on oil shale. During his coverage of the hearings Welles told me that he had plans for a ten-page exposé. He said he had a researcher checking out his facts back in New York, and it would probably only be a short "month or so" before his story would be out.

Later I learned that the publication date by *Life* had been fixed tentatively for December, though it was not long after that Welles wrote me that December was out because "the managing editor [then George H. Hunt] said he didn't want such a scandalous type story

in a Christmas issue." However, Welles followed up with the phrase, "he promises he'll run it the first or second week in January."

After January had come and gone with no *Life* story, I learned from Welles that he believed his superiors had sent his draft article over to the people at *Fortune* magazine, a Time-Life subsidiary, who brought pressure against the thrust of the Welles article. On February 15 I received the following note from Welles:

I'm sorry to tell you that our advertising department staged a counter-attack on the shale story. I managed to beat them back on about 95% of their demands, but the net effect has been to delay the story three weeks to the week of March 18th. Believe me, this thing has become the cause célèbre around here. But keep the faith, baby. It's going to run.

In the meantime I learned the *Life* story had been killed permanently. A telephone conversation with Welles on March 19 confirmed that the story had been killed, with the management not giving him any real reasons why, after it had been set in type and even page proofs had been pulled.

There is at least adequate basis to speculate that oil interests influenced *Life* management to scrap their oil shale story. Certainly one thing is clear. The then Secretary of the Interior, Stewart Udall, did not want to have the oil shale scandal given wide publicity, lest he find himself trying to explain to the American people why he permitted private interests to file 25,000 new mining claims for metals covering more than four million acres of oil shale public domain containing an estimated two trillion barrels of oil. These 1966 claims could have been prevented had he acted by

timely withdrawal of the lands from entry.

Welles never found out precisely what caused the kill. A short time later, after giving up on *Life*, Welles called on Willie Morris, editor-in-chief of *Harper's*, offering to rewrite his oil shale story in condensed form for that publication. Morris reviewed the Welles effort and said that it was "the best story" he had ever seen on the subject.

It was not the first on the subject submitted to *Harper's*. Almost a year before a free-lance writer and novelist, Lois Hudson, had written an oil shale piece outlining aspects of the scandal. With her draft to several publications, none of which, including *Harper's*, accepted her effort, was an accompanying letter from Senator Douglas, who earlier had written her: "I have read your excellent article and like it very much.... There is a big battle going on in Interior over this, and I get conflicting reports about it."

Certainly Welles had narrowed down his information to the point that his editors could not tell him where he needed further effort. He had talked to numerous Interior Department officials, including Secretary Udall and Under Secretary John Carver, Jr., as well as the department's chief legal advisor, then Solicitor Frank J. Barry. If *Life* editors thought that the Welles article needed to be supported with additional facts, certainly it would have been a simple matter for *Life* to assign additional talent to assist Welles in reviewing materials then in my possession, which he had not reviewed completely.

So it was that Welles saw no other alternative to get the story, or at least part of it, told, except to sell his piece to another publication after he was assured that *Life*

would never publish his facts on the scandal.

Because of the controversy involved, and its national scope, *Harper's* obviously wanted expert advice on the subject. On June 17, 1968, before their August publication of the Welles piece entitled "Oil Shale: Hidden Scandal of Inflated Myth," Mrs. Marion K. Sanders of *Harper's* editorial rooms wrote Professor Garnsey, himself a *Harper's* contributor, with accompanying galley proofs:

... I would be most grateful if you would read the piece yourself and let me know by return airmail if there are any errors of fact in it. Although we have the greatest confidence in the author, it would be reassuring to have another expert view.

Earlier she had already alerted Garnsey that the article was to appear, saying additionally: "... This is an updated and revised version of the piece that did not run in *Life*." Upon receipt of the galley proofs, Dr. Garnsey collaborated with me in the preparation of corrections that were sent back in time for the article to be revised and published as planned, though some of the significant corrections were never made.

At *Life*, meanwhile, all hell broke loose. After he realized that time had run out for *Life* to stop the publication of the piece by *Harper's*, Welles told his superiors that he had sold the oil shale story to Willie Morris. This was on July 3.

A conference on the subject was immediately called in the office of the managing editor, Hunt. In the meeting was the magazine's legal counsel, as well as editor Thomas Griffith.

One of the first possibilities at hand for *Life* management to con-

sider in their meeting, which was also attended by the publisher, Jerome S. Hardy, was filing of litigation to secure a court injunction to restrain *Harper's* from publishing the Welles piece. A phone call to *Harper's* informed them that it was already too late. The August issue containing the Welles article had already been printed, and was in the distribution process.

Perhaps the least significant action *Life* could take was to "crucify" Welles on the "cross of oil shale," which they did as per George Hunt's letter to him of July 10, the first paragraph of which read, "Confirming our conversation of today, I must inform you that as of August 7, 1968, you will no longer be an employee of Time Inc."

Although the version of the *Harper's* article on oil shale is a mere surface approach to the oil shale and related mineral resource scandals involving federally owned lands, it is significant to observe that the thrust of the article has not been refuted by oil company spokesmen or government officials with facts. Two oil companies replied to the magazine, and both were firmly answered by Welles in the November issue of *Harper's*, even though the oil company replies endeavored only to deny the fact that oil companies have delayed putting shale oil into the market place. It is significant that these two companies, Mobil Oil Corporation and Gulf Oil Corporation, did not attempt to dispute the contention that 380,000 acres of oil shale lands were patented or conveyed by the United States through the Interior Department to private interests under dubious circumstances before August, 1960.

It is also interesting to note that

while the Welles *Life* article was more extensive in certain aspects than any previously published nationally, nonetheless neither government officials nor oil company spokesmen have ever denied any of the charges made in the *Ramparts* article, which emphasized much more strongly the political implications. Neither has anyone from any part of the spectrum denied any of the more extensive charges outlined in my fifty-one-part series in the *Farmer and Miner*.

The specifics of the Welles firing were made available to a *Wall Street Journal* Washington bureau reporter, Jerry Landauer, who prepared a story appearing in the *Journal's* July 30, 1968, issue. In the *Journal* story it was pointed out that Welles had been given a \$2,000 annual raise in salary just after the oil shale story was killed. The *Journal* failed to mention that only a short time before Welles had received his regular annual advancement, the latter complying with usual policy in the organization.

In the various denials by *Life* officials that oil company pressure was responsible for their killing the story, Hunt admitted that such a piece could have an effect on advertising revenues, while the publisher, Hardy, maintained that Welles "couldn't be wrong."

At no time has Welles ever denied he was selling *Life* property—though he laments that such has long been a practice in the industry. He told the *Journal*:

... I didn't want to sell it to a magazine that was directly competitive with *Life*. *Harper's* is a very well respected magazine. I knew from the standpoint of ethics that it would be possible to fault me. But I knew that if I tried to get permission to sell the story on the outside that not only would they

say no, but might take legal steps to prevent me from doing it. I was outraged that the story had been killed. This is the biggest story I've ever worked on. After the story was killed, I considered strongly quitting, but I liked working at *Life*, and decided that working it like that would perhaps be a childish act.... There is no question from the general atmosphere, from the kind of meetings that were going on, there was no question that the oil industry was aware of the story.

Thus it appears that today's journalistic trend in America, from the eyes of a former country newspaper editor, at least, is such that no one periodical can or will publish the full scope of a major national government scandal without the assurance that such a story will likewise be run by other organs so as to make the atmosphere "safe." Or at least in this case they have not. And therefore the major portions of the oil shale and related minerals resource scandal remain hidden from the majority of Americans, who not only do not know what they actually own in natural resources, nor its value, but more importantly, who may be trying to steal it.

J. R. FREEMAN

J. R. Freeman, former editor of the *Farmer and Miner* of Frederick, Colorado, is now serving as editor of the *Abingdon Journal* in Clark's Summit, Pennsylvania.

Spontaneous news: KQED's "Newsroom"

■ As the Huntley-Brinkley Report goes off the air each night in San Francisco to the strains of Beethoven's Ninth, the country's most

celebrated educational television news program goes on, to the tune of "It's a Strange, Strange World We Live In, Master Jack." This is not the only contrast. On ETV, an amiable, curly-headed anchorman sits in the middle of a horseshoe table surrounded by seven men, some in their shirtsleeves, often chatting with one another. The anchorman announces, in general terms, what the news is about, and the show is off, to a destination that neither he nor the viewer knows.

The show has, of course, no commercials. It makes no promises to cover all the day's events. It is staffed, for the most part, with men who have no experience with television. No pretense is made that the reporter is uninvolved in the subject matter. The show is called *Newsroom*.

The flaws of television news broadcasts are widely known, even if little discussed. Commercial pressures, the compulsion to compete with newspapers, a glib show-business style, allegiance to false objectivity, have preoccupied television news departments more than the development of new forms.

Newsroom is an attempt to see whether television news can be improved in the educational television context. Supported by a one-year grant of \$742,000 from the Ford Foundation, the program is seen on San Francisco's KQED, one of the country's best known and most prosperous ETV stations.

The idea of an ETV news program grew out of last year's long San Francisco newspaper strike. At that time, editorial personnel from both papers put together a nightly "Newspaper of the Air" on KQED, in which reporters read their stories, and a front page was "dum-

mied" for viewers. [A report on "Newspaper of the Air" by Don Stillman appeared in the spring, 1968, issue.] The program was so enthusiastically received that the station sought support to continue it. Ford agreed to fund an experimental one-hour program for a year, beginning in September, 1968.

"We want to show, in as genuine a form as possible, the activity of men reporting the news," says the producer-director, David Grieve, who has given the show its unheard-of, documentary quality. "You see men briefing their peers on what has happened, and for the first time, the men in the shadow, who make editorial decisions, are out in the light."

The results are varied and unpredictable. In one electrifying show, S. I. Hayakawa, president of San Francisco State College, came on the program live, tongue-lashed the newsmen for "helping my enemies," then stomped off the set. In another episode, Mayor Joe Alioto "crashed" the program, walked in unannounced, and answered something that had been said.

This planned spontaneity is the key to much of the show's success. Stories are never allotted specific times, but discussed until, to the satisfaction of anchorman/editor Mel Wax, they have been done justice. Thus, after a reporter tells his story, his colleagues often question him for several minutes. But Wax also runs a tight ship; in one incident, a reporter came in with a story from a "source who cannot be named." Wax stopped discussion, saying, "If your source can't be named, it's no story."

It is a strange reasoning that says that the man who gathers the news should have no ideas about what

he sees, and *Newsroom* has sought to enhance the importance of the individual reporter. "It's a style of journalism that really is very old," says Joe Russin, city editor, who came to KQED from his post as an executive producer of the Public Broadcast Laboratory, "What we are doing is close to the early days of the American press, when men published 'journals,' records of their observations. This is what has been missing, the personal observations of knowledgeable people."

The staff is made up of men who for years have been behind the headlines, the anonymous men in the city room who generally know more about the news than ever reaches the public. Wax is a former Nieman fellow with thirty-two years in journalism. Edward Radenzel spent twenty-eight years on the *San Francisco Chronicle* and was its foreign news editor. Robert Bastian left his post as editorial cartoonist with the *Chronicle* to prod current newsmakers with his charcoal sketches on *Newsroom*.

Part of the funds from Ford were earmarked for a program to train newsmen from minority groups. Thus, five black beginners, and one Chinese, are now apprenticed to the staff to be prepared for broadcast news careers after their one-year experience. Victor Wong, a photographer, has the most unusual assignment of the six, doing black-and-white candid photographs of newsmakers that are used on the program, with good effect, each night.

The show has a decidedly "liberal" quality to it. And although there is frequent "thoughtful disagreement," as Wax puts it, there are no confrontations of the Buckley-Vidal variety. Mutual respect in the staff and a certain amount of

agreement about what is important keep the show dignified, and on an intellectual plane. Some of the staff have said they would like to add "an intelligent centrist."

Unlike commercial television news, *Newsroom* knows not to take itself too seriously. When the question arose as to whether San Francisco's Candlestick Park, where the Giants play, ought to be equipped with Astroturf, the staff had some fun. Joe Russin took a sample of the artificial grass, stamped on it with a baseball shoe, poured water on it, presumably to show its durability, then added, "This has a lot to commend it as a public debate, because it's completely inconsequential."

Newsroom has made a concerted attempt to avoid the gratuitous visual material that is the meat of commercial television news. Press conferences, fires, murders, and other crimes almost never reach the show. Film is used only in stories that, in the editors' judgment, can better be told with film than words.

Many of the Bay area's commercial television news directors are appalled at this policy, which they feel is a complete misunderstanding of television as a medium. Deacon Anderson, news director of Oakland's KTVU, says: "At best, they're high-grade radio; without sensitive film coverage, they're low-grade television. They may have more depth than any station in town, but they're still a supplement to our operation."

The continuing troubles at San Francisco State have been the acid test for *Newsroom's* notions of how news coverage can be improved. At the height of the troubles, most of the program was devoted to analysis of the college's problems. Live remote broadcasts have been done

from the campus itself. James Benet, the education reporter, has taken a low-key, conversational approach to the situation that provides a nice contrast to the more urgent reports of the commercial stations. David Riesman has written that *Newsroom* has served to "mute the degree of excitement students and faculty feel about the demonstrations."

Newsroom's mail is heavy, and largely favorable (comments are solicited). Many of its critics seem to accept conventional notions of broadcast news. This includes the underground newspaper *Berkeley Barb*, which commented in a column: "The editors should use their cameras more, and their mouths less."

The show has not been a smash in the ratings, although it does as well as almost any ETV program. Its viewership approaches 50,000 adults each night, but a rival local news program at the same hour logs nearly 200,000, and *I Love Lucy* is seen by almost 250,000.

Newsroom has a long way to go before it can be said to have changed television. At worst, the show is conventional educational television, pedantic and dull. At best, it can be an exciting voyage of discovery with competent observers of human events. And at best, it challenges both the viewer, and television. The show bears watching, for if more funds became available, it might well be the prototype of other ETV news programs across the country.

NEVILLE COMPTON

A member of the class of 1969 at the Columbia Graduate School of Journalism, Neville Compton has worked for KING Broadcasting, Seattle, as a newscaster and producer.

An old new paper bows in Chicago

■ Young swingers tend to be embarrassed when their middle-aged parents try to dress up like hippies and run around saying things like "Groovy!" and "Cool!" That probably explains why *Chicago Today*, the new tabloid daily that succeeded *Chicago's American*, received only a lukewarm reception from the youth market it is trying so hard to capture.

Today's premise—that there is a future for a tightly edited, pungently written, compact paper especially aimed at the affluent, sophisticated youth-pop market—is a sound one. Unfortunately, at *Today* the theory is being executed by the same old crew from the *American*—a crew that, for the most part, has little understanding of the under-30 generation and little interest in youth other than a willingness to admit cheerfully that, yes indeed, youth is here to stay.

Today's inaugural issue on April 28, 1969, in which the paper strained to ingratiate itself with the young, gave some indication of what *Today* thinks youth craves: an article about a GI in Viet Nam who "wants to know if it's wrong to kill"; a piece by a reporter who hit the streets to see if he could buy LSD or marijuana (he couldn't); half a dozen stories and columns about campus unrest; and a column by 32-year veteran Jack Mabley that called, among other things, for immediate withdrawal from Viet Nam and legalized marijuana.

If this package provided nothing

that had not already been painfully overdone by magazines and television, the opening letter to readers from publisher Lloyd Wendt and editor Luke Carroll accented the gulf between the paper's theory and its practice. They described a newspaper that would be "dynamic, young, unafraid," but their letter itself was an exercise in pedestrianism ("If you like *Chicago Today*, tell your friends. If you think we can do still better, tell us."). After its first issue, *Today* gave up the delusion that it was either dynamic or youthful—and things got noticeably better.

Wendt concedes that "it is difficult to really make changes" with the current staff. "I'm trying to encourage well-researched, in-depth articles," he says, "and a lot of our people are just not accustomed to that sort of thing." But he notes that "we've added twenty-two people in the last year and we're constantly looking for young, well-trained reporters."

The creation of *Today* represents one more step in Wendt's eight-year campaign to separate his paper's identity from that of its conservative parent, the morning *Chicago Tribune*. In its frequent espousal of liberal causes and in toning down its sensationalism, the *American* was able to break its readers' mental associations with, respectively, the *Tribune* and an earlier custodian, the Hearst chain. By changing the name and format, Wendt hopes now that his paper will be able to stand on its own merits with advertisers as well.

The most impressive thing about *Chicago Today*—and the only thing that really distinguishes it from its predecessor—is its physical appearance. The switch from standard size to tabloid will undoubtedly be

greeted favorably by Chicago's mass transit commuters. The tempo-face headlines, broader column widths, elimination of column rules and intelligent use of white space create a clean appearance that will put *Today* on a more even footing with its evening competitor, the *Daily News*, a frequent winner of typography honors.

Aside from its format, the best additions to *Chicago Today* are "Focus," a daily in-depth report on a subject of current interest, and a "Sounding Off" column in which, according to Wendt, "If our reporters don't like the way we're running the paper, they can say so and we won't fire them."

The degree of freedom that "Sounding Off" grants was indicated in a column about ethnic jokes by reporter Ron Dorfman, which mentioned that "the most prominent Pole in Chicago journalism is Mike Royko." Royko writes for the *Daily News*; Dorfman's remark was notable because it was the first time in memory that a Chicago paper had even hinted that there might be something worth reading in one of its competitors.

Unfortunately, such encouraging innovations are overshadowed by the old heavy-handed tactics of the *American*. In another Sounding Off column, Mayor Richard Daley was quoted as having said "dese" and "dose." The spelling was changed after the first edition to "these" and "those." But a week later columnist Dorothy Storck quoted a Ku Klux Klansman as admitting he was from "Nort' Chicago." Plainly, it was a question of whose language was being gored.

Still another dismaying sign of *Today's* posture toward establishment figures was a staff memo issued prior to opening day in which



editor Luke Carroll warned, "Will you please keep in mind that Daley and [Governor] Ogilvie will be our guests at the inaugural breakfast. Let's not kick them in the teeth in our inaugural paper."

It apparently didn't occur to Carroll that the opening issue would have been a fine time to make a break with this tradition of sacred cow worship. This lack of perceptive daring is precisely what's wrong with *Chicago Today*. While its executives recognize the need for change, they themselves instinctively rely on the sort of outmoded habits that are least likely to appeal to bright young readers.

Nevertheless, there is reason for optimism about *Chicago Today*. Newspaper personnel can't change overnight, but they do change. By discarding some of the encumbrances of the past, Wendt and Carroll have paved the way for what some day could be—given the right personnel—an important contribution to American journalism. For

the moment, *Chicago Today* doesn't appear to be moving very quickly toward that day. But at least it's moving in the right direction, and perhaps that's the important thing.

DAN ROTTENBERG

Dan Rottenberg, formerly a newspaper editor in Indiana, now is on the staff of *The Wall Street Journal* in Chicago.

Flapdoodle writ large: astrology in magazines

■ Astrology has been denounced, discredited, and declared dead by scientists for centuries. But a casual reader of magazines and newspapers might never realize it, judging by the recent flurry of articles

reporting a resurgence of public interest in astrology. Although the alleged resurgence may be only illusory, there has been a demonstrable resurgence among editors, with each new article generating even more interest—by other editors. No matter what their intentions, many editors thus lend respectability to the laughable, reinforce the credulity of the gullible, and earn the gratitude of the culpable.

The first general magazine to concentrate on astrology in the current wave was *Harper's Bazaar*, in October, 1968. The cover promoted several stories about astrology, including "The Cult of the Zodiac" and "Astrology & Wall Street." All the stories treated as established fact the notion that stars and planets influence people's lives. In addition, there was a horoscope, which also is a monthly feature in two other Hearst magazines, *Town and Country* and *Cosmopolitan*.

Ironically, another Hearst magazine, *Good Housekeeping*, was once praised by *Scientific American* for an investigation of astrology it published in November, 1940. The author, a Pulitzer Prize winning reporter, Henry Pringle, quoted a Princeton professor as saying, "The fallaciousness of astrology ceased to be debatable 300 years ago." Pringle also quoted a Boston researcher as saying, "Astrology is always, in every way, a delusion and a fraud." Dr. Morris Fishbein, then editor of the *Journal of the American Medical Association*, said, "Astrology is the bunk." Pringle concluded: "Astrology . . . is nonsense."

Science, also in 1940, reported that a learned society (the Boston and Cambridge Branch of the American Association of Scientific Workers) had condemned astrology as lacking every conceivable

scientific foundation as well as being psychologically harmful and contrary to the public interest. The chairman of the group, Harvard astronomer Bart Bok, said: "Astrology should not be tolerated as a cheap aid to salesmanship and advertising, and newspapers of good repute should not print daily columns of mushy astrological advice."

Back to 1968: About the time of *Harper's Bazaar's* excursion into the bizarre, *Time* (October 25) printed an astrological forecast for the candidates in the approaching Presidential election. The story began: "Richard Nixon is lucky. He is a Capricorn, which is the sign of government, and men born under its goat symbol make the best executives. Moreover, the planet of good fortune, Jupiter, has come to his aid, and in early November the planets will be in a favorable aspect for him. But he must be careful. Pluto, the planet of change, conjuncts with Mars on October 30, portending potential violence, and the fact that both Uranus, the planet of the unexpected, and Jupiter, are moving toward Humphrey's sun is favorable for him."

On October 27, *This Week* ran a two-page piece: "Astrology Picks the President." Jess Stearn, who has written several books about the occult, wrote: "Have the planets something to say about the coming Presidential election? They have, indeed." Stearn quoted a former president of the Astrologers Guild of America as saying that "the planets have clearly expressed their preference for Richard Nixon—a Capricorn—over Gemini Hubert Humphrey." (On February 23, 1969, *This Week* published another Stearn story about astrology, this one about an architect who suggests that people live in homes designed

to conform with the life style dictated by their stars.)

Next came *The New York Times Magazine*, which devoted its cover December 15 to a psychedelic illustration of the zodiac that proclaimed: "the stars are right for astrology." The index said the artist is among the "increasing number of moderns high on the ancient art of astrology." The article, "The Signs Are Right For Astrology," mentioned the galaxy of newspapers (some 1,200) that print daily horoscopes and the specialized magazines that print only horoscopes. The *Times* article contained several cautiously worded disclaimers, including one disclaimer qualified by another disclaimer; "While no serious scientist appears to regard the casting of horoscopes and prediction of the future as more than arcane flapdoodle, there are at least a couple who think that the electromagnetic fields of the sun and moon and the planets closest to the earth may influence life here in many still unrecognized ways." The article and accompanying photographs seemed to convey the general impression that astrology is fun.

Three weeks later, on January 6, 1969, *New York* magazine gave astrology six pages. Featured were the predictions of five astrologers. One of them went so far as to venture that "The key word for [New York City] this year is ... 'change.'" There was only one disparaging remark about astrologers. It was attributed to psychiatrists, who in the next breath, were disparaged in turn.

On January 13, *Newsweek* weighed in with a story labeled in the index: "Astrology's new zenith." The story said Psychoanalyst Carl Jung took astrology seriously and added that Marshall McLuhan

considers astrology "one of the message-senders of the media age." *Newsweek* asserted: "There is no doubt that astrology is gathering followers in every quarter."

On February 9, *Parade* joined the procession with a lighthearted account of a reporter's uncritical flirtation with astrology. A picture of Frank Sinatra and his former wife, Mia, bore a quotation in the cutline: "It's not the astrologer's fault if things don't turn out."

On March 2, the *Washington Post's* Sunday magazine, *Potomac*, burbled that astrology had "arrived" in Washington. The enthusiastic story ended by saying, "... the importance of astrology today evokes the cliché 'Astrology tells it like it is.'"

On March 20, *The Wall Street Journal* printed a column and a half about the pervasive influence of fortune-telling in South Viet Nam. The page-one story carried this head: "Soothsayers' Forecasts/ Are a Serious Matter/ For Vietnam Officials." Over the head was an italicized line, "Writ in the Stars." (On April 3, *Newsweek's* Feature Service distributed to its clients a story headed: "ASTROLOGY IN VIETNAM: IT'S ALL WRITTEN IN THE STARS.")

On its March 21 cover, *Time* portrayed a famous astrologer. In the fourth paragraph of its six-page story, *Time* asked: "Isn't astrology just a fad, and a rather absurd one at that? Certainly. But it is also something more." *Time* then went on to say the fad had become a phenomenon. The article reported Jung's use of astrology and quoted McLuhan as saying: "Mysticism is just tomorrow's science dreamed today." *Time* did mention that one element of what it characterized as the "astrology boom" is the "crass

exploitation of people's credulity," yet *Time* constructed an elaborate, full-page horoscope for President Nixon, replete with jargon that Sir William S. Gilbert might well have dismissed as "merely corroborative detail, intended to give artistic verisimilitude to a bald and unconvincing narrative." The article also quoted two psychology professors as reporting, in the November issue of the social science monthly *Trans-action*, that they found the mail-order marriage counseling of eighteen sample astrologers "generally valid and useful." Two weeks later, *Time* printed a letter quoting Edmund in *King Lear*: "... when we are sick in fortune, often the surfeit of our own behavior, we make guilty of our disasters the sun, the moon and stars. . . ."

Why did *Time* do a cover story on astrology? The managing editor, Henry Anatole Grunwald, replied: "I just thought it was an interesting, off-beat subject that had an unusual revival, especially among the young." Does Grunwald think *Time's* coverage might have bolstered the belief of the susceptible? "I don't think so, because we're fairly careful to demolish the pretensions of these people. I think our story made absolutely clear that we didn't believe a word of it [astrology]."

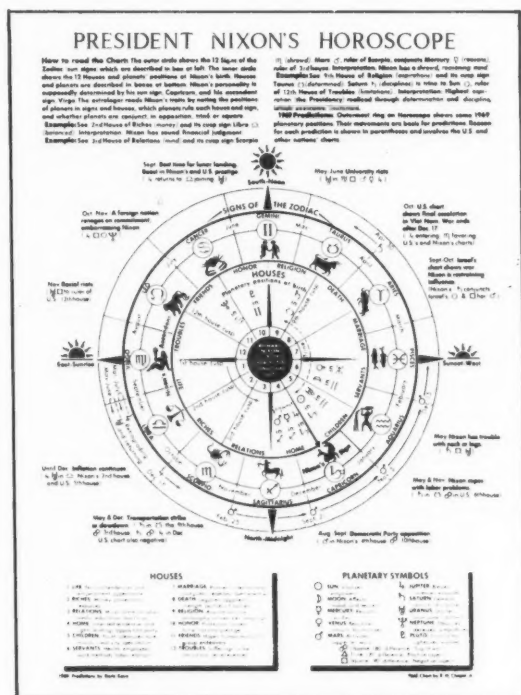
Grunwald described the newsstand sales of that issue, with an astrologer on the cover, as "moderately successful." A *Time* circulation executive told me the issue enjoyed sales about 10 per cent higher than average.

On its April cover, *Ebony* plugged a six-page spread: "BLACK ASTROLOGERS/ PREDICT THE FUTURE." The index said the Age of Aquarius was the age of ascendancy for blacks. Among the predictions: "Dick Gregory will be offered a position in the President's cabinet" and "The Messiah will return as a black man."

In May, the *Reader's Digest* cover carried a sticker announcing the title of a story: "The Signs Are Right for Astrology." The title also was publicized on cards placed in magazine racks. So widespread was this campaign that an unsophisticated or superstitious passerby who didn't even buy a copy might be impressed by what he considered an endorsement of astrology. The *Digest* story, a condensation of the *New York Times Magazine* article of December, 1968, was preceded by the signs of the zodiac and this head: "Be it arcane flapdoodle or prescient science, the ancient art of the stargazers is enjoying an extraordinary comeback."

On its May 13 cover, *Look* said: "ASTROLOGY/ Fun, fraud or keyhole to the future?" *Look's* answer inside was not "fraud." The four-page spread prompted this letter, published in *Look* of June 24: "When a professional astrologer reads an article [*Look's*] which attempts to be objective and fair, it behooves her to express gratitude. Your piece and its author . . . deserve my appreciation and that of others who attempt to serve clients in a meaningful, scientific manner. . . ." (*Look's* index page had called attention to the story with advice: "This month you will experience an elevation of interest in the influence of the stars. A good period to find a private astrologer for a personalized reading.")

Why did *Look* print a story about



Presidential stars: *Time*, March 21, 1969

astrology? The editor, William B. Arthur, said: "Simply because there has been a great deal of interest in astrology, and we decided to look into it." Is he concerned lest *Look's* coverage encourage acceptance of astrology? "No, I don't think it necessarily does that, at all."

The July *Ladies' Home Journal* ("The Magazine Women Believe In") spotlighted an astrology story on its cover. The story—and a full-page diagram—provided "a completely original way for you to discover your secret self, and the influence of stars on your life." In addition, the *Journal* carried its regular monthly horoscope by Sybil Leek, who described herself as a "white" witch—one who does not practice black magic. The *Journal's* masthead lists her as a contributing editor.

The *Washingtonian* also hitched its wagon to the stars in July. The local magazine began its cover story: "Astrology is in. Television shows are scrambling for astrological features, staid suburban clubs invite astrologers in to speak, and department stores promote glassware and lingerie emblazoned with signs of the zodiac." The author later asserted that astrology "has never been disproved."

What is the cumulative effect on the populace of all these stories about astrology? "It's pernicious for reason and rationality," said the director of the department of psychiatry at Manhattan's Mount Sinai Hospital, Dr. M. Ralph Kaufman. He said the stories "tend to bring those who are on the fence to believe [in astrology] and confirm those who already believe." Dr.

Kaufman said one reason he is especially concerned is, "Faith in astrology keeps its adherents from coming to grips with reality."

The May *Natural History*, published by the American Museum of Natural History, carried an article that said flatly: "Ancient astrology is derided to this day by all scientists." Others are equally firm. Daniel Cohen, in his book *Myths of the Space Age* (Dodd, Mead, 1967), wrote: "Clearly it is not any scientific discovery that has brought about the rebirth of astrological interest. On the contrary, every discovery makes astrology more untenable." And Patrick Moore, in *Suns, Myths and Men* (W. W. Norton, 1968), said of astrology: "I can only echo the famous remark made by the Duke of Wellington in a different context: 'Sir—if you will believe that, you will believe anything.'"

On May 29, *Newsweek's* Feature Service sent out an astrology story that—in contrast to almost every other article examined in this study—knocked down astrology in the first sentence and minced no words demonstrating that it is unadulterated buncombe. Jacquin Sanders's story began bluntly:

The astrology fad marches on—over its own dead errors.

Though it doesn't seem to hurt business, some of the most prominent astrologers have been coming out with some of the most misguided predictions since Chicken Little passed the word that the sky was falling.

Next, Sanders attributed a prediction to the prominent astrologer,

Carroll Righter, whom *Time* had presented on its cover March 21. This prediction, Sanders wrote, had been made early this year (but was not quoted by *Time*): "The race problem will be with us through May 1. Then people will start to work things out on a constructive basis."

In addition, the summer issue of *Horizon* carries a two-page article, "The Astrologers," by J. H. Plumb, of Cambridge. He pooh-poohs astrology and brands newspaper horoscopes "silly," "foolish," and "pathetic."

Incidentally, on March 25, Washington's *Editorial Research Reports*—published by the Congressional Quarterly Service—distributed a one-page article about astrology to newsrooms across the country. But no exposé, this. The article began with a reference to the story that appeared in *New York* January 6:

"The stock market, says New York astrologer David Williams, is due for trouble April 4. On that date, Jupiter and Uranus will be in exact conjunction in the heavens."

But if Williams—or *New York*, or *Editorial Research Reports*—had consulted a calendar instead of the heavens, he would have observed that April 4 could not be a bad day for the market or any kind of day except a holiday, Good Friday.

MERVIN BLOCK

A newswriter for the ABC Television Network, Mervin Block wrote "The Night Castro 'Unmasked'" for the Review in the summer of 1962.

Books noted

RESPONSIBILITY IN MASS COMMUNICATION. Revised edition. By William L. Rivers and Wilbur Schramm. Harper & Row. \$8.50.

Originally published in 1957 under the authorship of Wilbur Schramm and the indirect sponsorship of the National Council of Churches, this volume now re-appears in a welcome revision. Schramm, director of Stanford University's Institute of Communication Research, is joined by William L. Rivers, a Stanford journalism teacher known for his book on Washington journalism, *The Opinionmakers*. Under the new joint byline, the book remains the best discussion in print of the issues and standards of American journalism. The major single addition by Rivers is a chapter called "The Negro and the News: A Case Study," in which Rivers is able to draw on his rather negative experience with the McCone Commission, which made a post-Watts investigation.

LIVING-ROOM WAR. By Michael J. Arlen. The Viking Press. \$5.95.

THE HALF-SHUT EYE: Television and Politics in Britain and America. By John Whale. Macmillan. \$6.95.

Two essayists illuminate the nature of television as it attempts to report the larger affairs of mankind. Arlen's collection, mostly from his bi-weekly articles in *The New Yorker*, reveal his transcendence of the role of program reviewer into an analyst who grapples with television "as something we are doing to ourselves." Most prominent, as the title suggests, are the articles concerning television and the Viet Nam war—for example, an excoriation of CBS for a propagandistic documentary on bombing, two memorable essays from Saigon on war correspondents and coverage, and still others on the war as viewed from the hearthside.

The other volume, by a former reporter for British Independent Television, deals with the limitations of medium in covering politics, meanwhile drawing on a wealth of examples from

both sides of the Atlantic. Whale summarizes his thesis thus: "Television has become for most voters in Britain and America the chief supplier of this service: the electorate's eye on politics and politicians. Yet the round, unwinking gaze of the television camera is not as all-vigilant as it may seem. Natural and artificial causes conspire to ensure that its eye . . . is no more than half open."

RAY STANNARD BAKER: A Quest for Democracy in Modern America, 1870-1918. By John E. Semonche. The University of North Carolina Press. \$8.95.

PRAIRIE FARMER AND WLS: The Burrig D. Butler Years. By James F. Evans. University of Illinois Press. \$8.50.

ED HOWE: Country Town Philosopher. By Calder M. Pickett. The University Press of Kansas. \$10.00.

THE MAN WHO MADE NASBY, DAVID ROSS LOCKE. By John M. Harrison. The University of North Carolina Press. \$8.75.

These four biographies of quality deal with figures in American journalism who are neither obscure nor celebrated today, but are definitely worth study. Moreover, each work is pleasant to read, being marked by good standards of research and presentation.

1. Ray Stannard Baker (1870-1946) was a reporter, an essayist, and later a Wilson biographer, born in Michigan and trained in Chicago. He found his medium in New York with the reformist magazines of the muckraking era. He had his tougher side as an exposé of the evils of society and a soft, ruminative side that he fulfilled under the pen name of David Grayson. Semonche, a professor of history at North Carolina, sees in Baker's young and middle years "a lens through which we may obtain a clearer view of [a] germinal period in American history." To this end, Semonche has thoroughly exploited both published and manuscript sources and produced an engrossing study of a man whose life contained little overt action. Particular revealing is Semonche's treatment of the period through which Baker suffered while the *American* magazine, which he had joined in 1906, fell under the domination of big financial interests.

2. Burrig D. Butler (1868-1948) lived through almost the same period as Baker, but in an en-

tirely different setting. Butler acquired the old *Prairie Farmer* in 1909 and built it into a highly successful crusading paper, powered by his own strong but far from agreeable personality. In 1928, he acquired WLS (which its original owner, Sears Roebuck, had dubbed with initials signifying "World's Largest Store") and built it into the best-known farm outlet in the Midwest, notable for its barn-dance program.

3. Ed Howe (1853-1937), editor of the *Atchison Globe*, was never as much a national celebrity as his fellow Kansan and contemporary, William Allen White, but has long since surpassed White in posthumous literary reputation, largely on the basis of his novel, *The Story of a Country Town*. Pickett, a professor at the William Allen White School of Journalism (there is no

Ed Howe school) at Kansas, treats Howe with more affection than admiration. He is careful not to be too impressed with Howe's recent vogue among literary scholars, recommending that they also look at Howe's editorials for the full (and sometimes disillusioning) measure of the man.

4. David Ross Locke (1833-1888) was a journalist overshadowed, not by other journalists, but by a literary figure of his own creation; Petroleum Vesuvius Nasby, satirist. Nasby carried on in his elaborately misspelled way the campaigns that Locke, as the editorialist for the *Toledo Blade*, promoted by argument. Harrison, a professor of journalism at Pennsylvania State, produced this respectable biography despite having to work without any of Locke's papers, which were destroyed by fire in 1913.

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Report on reports

Summaries and reviews of current literature
in journalism

"Does editors' war in words affect opinions on Vietnam?" by Edward Hotaling. Editor & Publisher, April 12, 1969.

Hotaling's article reports the results of a questionnaire on news policies dealing with what to call the forces opposing the United States in Viet Nam. Should they be called Communists, Viet Cong, North Vietnamese, NLF, or what? Answers range from the confidence of Clayton Kirkpatrick of *The Chicago Tribune* ("We do not bar the word Communist or any other word. We simply try to convey the truth.") to the agnosticism of Theodore Shabad of *The New York Times* ("What communism of the dozen or so varieties is one talking about?"). Aside from the *Tribune*, the editors show a considerable sensitivity to the nuances of the problem—particularly the difficulties raised by the word "enemy" in news that is distributed internationally.

"The Rich, Risky Business of TV News," by Sheldon Zalaznick. *Fortune*, May 1, 1969.

In its accustomed thorough fashion, *Fortune* displays here the financial figures of the most free-spending branch of the news business. Network news abounds in fiscal paradox: The *Huntley-Brinkley Report*, on an annual budget of \$7,200,000, produces \$34,000,000 in advertising revenue; yet so lacking in profitability is the rest of NBC News that the network claims a net loss of several million dollars on news operations. CBS and NBC usually commit themselves to documentaries, then look for advertisers to underwrite them; ABC is inclined to wait until the money is in hand. Yet it was ABC that was forced, because it made an exception to its policy, to offer Minnesota Mining the biggest bargain in documentary history—four hours of prime-time program, *Africa*, pro-

duced at a cost of \$2,000,000, for less than \$750,000. The evening news shows on NBC and CBS spend perhaps \$15,000 a day to fill their half-hours; yet, as David Brinkley is quoted as saying, "at times there's not really enough for fifteen minutes"—a pointed commentary on the range of television news. Still, Zalaznick believes that the \$140,000,000 invested in network news in a year is well spent and that television news "has become steadily more powerful, more compelling, and more useful."

"Chasing the News Dollar: The 'Get Jerry' Game," by Ernest Kreiling. *Los Angeles Magazine*, April, 1969.

The Jerry of the title is Jerry Dunphy of KNXT television, Los Angeles, a news personality whose evening audience is nearly as large as that of his four major competitors combined. The rivals plot ways to catch Dunphy (whose work, as Zalaznick's *Fortune* article points out, gives Walter Cronkite a substantial ratings lead in Los Angeles). The strategies are laid in what has become the country's most wide-open market for television news: the nine Los Angeles stations offer 83 hours a week of news, double what New Yorkers see. The latest anti-Dunphy ploy is KTLA's hiring of Tom Reddin, the former Los Angeles chief of police, as its premier newscaster. Why is Los Angeles so news-heavy? Kreiling quotes Jack McQueen, president of the Foote, Cone and Belding advertising agency: "Stations here make more of an investment in news than in New York. And they are better at gathering and presenting it. It may be that they're applying production techniques from the film industry and are making the news more interesting."

"The Press Dummies Up," by Arthur E. Rowse. *The Nation*, June 30, 1969.

A veteran critic of the press, now writing a syndicated column on consumer affairs, warns here of the imminence of "The Newspaper Preservation Act," this year's variation of "The Failing Newspaper Act." Like previous bills, the current one aims at antitrust exemptions for newspapers with joint business arrangements. (Rowse says

that such arrangements involve forty-eight newspapers in twenty-four cities with a population totaling 14.5 million.) Like its predecessors, the new bill has received spotty news coverage, particularly in papers that might benefit from the act. If newspapers that support the bill indeed believe that it is in the public interest, it seems that they would do their best to publicize it. Do they doubt?

"The American Media Baronies: A Modest Atlantic Atlas"; "The Television Overlords," by Hyman H. Goldin; "Travels in Medialand." *The Atlantic*, July, 1969.

The Atlantic resumes here its exposure of the "Media Barons," as they were dubbed in a 1968 *Atlantic* article by FCC Commissioner Nicholas Johnson. The effort appears to have two purposes—to identify the complicated and shifting ownerships of communications media and to alert readers to possible dangers to diversity of opinion in these ownerships. In this section, the term "media barons"—reminiscent of the "robber baron" school of historiography—is of mixed utility. It suggests personal villainy, yet the articles properly concentrate on impersonal economic structures. So far, the barons themselves seem to be failures of casting.

"Special Issue: What's Happened to Magazines?" *The Antioch Review*, Spring, 1969.

As a first venture under a new editor, Lawrence Grauman, Jr., *The Antioch Review* offers a miscellany of articles on magazines, emphasizing those that are of intellectual importance. Among the pieces are a thorough and realistic survey by Robert Sherrill of the opinion weeklies; a discerning consideration of literary magazines by Beverly Gross; a cry of discomfort over "the visual violation of American magazines" by Samuel N. Antupit (who designed the utilitarian format *The Antioch Review* begins in this issue); and a chilly view of the New York "literary left" by Walter Goodman. There is also an essay by the editor explaining at length his hopes and plans. One plan is to publish special issues in book form; this should be a decent starter.

"Time: After Luce," by Richard Pollak. *Harper's*, July, 1969.

One of the ornaments of the newly redesigned *Harper's* is this detailed study of the efforts of America's oldest living news magazine to change its character. Pollak, formerly press-department editor at *Newsweek*, measures the alterations in *Time* since its days as a single-voiced, rather opinionated intoner of the news. The hero, if any, is Henry Anatole Grunwald, the new managing editor; the villains, if any, are the men and practices molded by the late Henry R. Luce. Pollak believes that mass media have the capability to shape themselves to the exigencies of the age—and that, by implication, *Time* does, too. "In fourteen months," he writes, "[Grunwald] has made *Time* a respectable magazine for the first time in its history." The remaining question is: is respectability enough?

"Time vs. *Newsweek*," by Paul Wilkes. *New York*, June 16, 1969.

Appearing a few days before the *Harper's* story on *Time*, this study focuses on two editors, Grunwald of *Time* and Osborn Elliott of *Newsweek*, and their reactions to each other's work as they compete, or non-compete. Wilkes throws light on the style and procedures of the magazines as reflected in the two leading characters, but on a much more casual level than Pollak. The article is graced with Levine caricatures of the editors.

"Chicago and the Press," by Nathan B. Blumberg. *Montana Journalism Review*, Number 12, 1969.

Blumberg, who has previously criticized the muffling of dissent in the "orthodox" press, offers an absorbing description of the behavior of Chicago papers and journalists during The Week That Was in August, 1968. He finds an oft-repeated pattern in the coverage—newspapers goaded to realistic reporting about the police after attacks on reporters, followed by their retreat to conventionality when the fever subsided. The account of the *Tribune's* fantasizing is particularly pointed, and stands as a reminder that the world of Colonel McCormick has not yet entirely vanished.

Unfinished business

Clay Shaw trial

TO THE REVIEW:

Roger M. Williams of *Time's* Atlanta bureau wrote to me last spring requesting *Newsweek's* views on Hugh Aynesworth's coverage of the Clay Shaw trial. He raised the question of whether Aynesworth's role as a "participant" in the case should have disqualified him as a reporter. In his piece for your spring issue, Williams concludes that it should have done so.

I would not dream of applying the Williams yardstick to suggest that a *Time* correspondent should be disqualified as a reporter on the ethical standards of *Newsweek*. But I would appreciate the chance of sharing with your readers what I consider the heart of my response to Williams, who did not choose to use it in his article ["The Clay Shaw trial: reporter-participants," by Roger M. Williams and Michael Parks, spring, 1969].

"Obviously," I wrote him on March 29, "it is not good practice to have a reporter operating as a partisan in an adversary proceeding that he is covering; but that would be a terribly unfair and oversimplified way to characterize Aynesworth's role in this case. Actually, the case raises, in my view, a far more interesting and valid journalistic issue: should the press take at face value the statements of public figures in a controversy when conscientious reporting has established that they are lying? Should newspapers give prominent display to patently irresponsible charges; should they lend them-

selves to self-seeking, self-inflation by ambitious men—such as Joe McCarthy or Jim Garrison? This is a fascinating clash between what I regard as the ultimate journalistic goal of getting at the truth and the kneejerk convention of giving equal weight to 'both sides of the story,' however false one side may be, and letting the reader fend for himself. It is a point of pride with *Newsweek* that, with Aynesworth's story of May 15, 1967, we became one of the first to blow the whistle on Garrison."

LESTER BERNSTEIN
Executive editor
Newsweek
New York

MESSRS. WILLIAMS AND PARKS REPLY:

Mr. Bernstein may feel his point about taking statements at face value is "a far more interesting and valid journalistic issue," but we do not. To us the issue is still, how openminded or at least uninvolved must a reporter be during an adversary proceeding such as the Shaw trial? Our answer is, very much so, or his publication and its readers are not getting the kind of calm, critical judgment of the proceeding they have a right to expect. We do not question the propriety of *Newsweek's* "exposing" Garrison's case before it came into court; if the facts substantiate the publication's charges, that is indeed good reporting. We do question assigning to the trial itself a reporter whose mind is wholly made up and who is collaborating with one side while journalistically judging both. And certainly we don't feel that working for a competing publication should prohibit anyone from calling attention to such a lamentable practice; nor, we feel sure, does Mr. Bernstein.

TO THE REVIEW:

In his article on the Clay Shaw trial, Roger Williams grossly misrepresents the manner in which I became a participant. Although he knew how I became a witness, he chose to omit all the relevant facts. I feel quite strongly that the *Review* has an obligation to repair the inadequacy of his reporting.

In researching the Garrison investigation for the *Saturday Evening Post*, I obtained documentary evidence that impeached the credibility of Garrison's chief witness, Perry Russo. I reported the contents of these documents in the *Post* shortly after Shaw's preliminary hearing in 1967. Shaw's attorney immediately sought a court order to preserve, by post-trial deposition, the evidence I had uncovered in the event that I died or left the country before Shaw came to trial. Failing to obtain this order, the attorney flew to New York and asked me to testify at the trial to what I had written in the *Post*.

By stitching together some random quotes, attributing to me statements I did not make, and omitting all the above, Williams implies that I simply injected myself into the trial because I decided that Garrison had no case. While this implication serves the thesis of his article, it does not square with what happened.

I did not take the witness stand on my initiative. I testified at the request of the defense because I had legally admissible evidence. Williams does not dispute the materiality of my testimony; he simply makes no mention of it. But the key document I had acquired was exhibited to the jury, occupied the attention of the court for two days, and served as the foundation for a lengthy and (according to the

jurors after the trial) damaging cross examination of both Russo and one of Garrison's investigators.

I have three questions for Williams and for the *Review*:

1. Having obtained, verified, and published this evidence, should I have *withheld* it when asked to relate it to the court?

2. By what canon of ethics is a journalist exempt from a citizen's obligation to testify when he has evidence that can affect the outcome of a trial?

3. On what grounds could I refuse to repeat under oath what I had written under my byline?

These questions do not lose their relevance simply because Roger Williams chooses not to raise them. When he interviewed me in New Orleans, I specifically asked him what *he* would do if he obtained evidence that a man was the victim of false testimony. Williams said, "That's a good question." It is indeed, but what is the answer?

His answer apparently is to sweep the question under the rug. I suggest that this is a peculiar solution in an article purporting to deal with journalistic integrity.

JIM PHELAN
Long Beach, California

TO THE REVIEW:

I have been informed that a recent issue of the *Columbia Journalism Review* carried an article which was

sharply critical of Mr. James Phelan, formerly a news reporter for the now defunct *Saturday Evening Post*, and Mr. Hugh Aynesworth, a news reporter for *Newsweek* magazine. I am told that this article accuses these gentlemen of having completely lost their journalistic objectivity in connection with their reporting of the case of State of Louisiana versus Clay L. Shaw, and further contends that they unduly participated in assisting the attorneys for Mr. Shaw.

While I have not had the opportunity to read this article, the description of same which I have received compels me as one of the attorneys for Mr. Shaw to set the record straight. It is true that both Mr. Aynesworth and Mr. Phelan did furnish us with factual information which had come into their possession as a result of their journalistic duties and that Mr. Phelan testified as a witness for the defense. The things that should be made clear, however, are firstly, that all information that we got from these men was given by them at our request, and secondly, that Mr. James Phelan was solicited by us to become a witness in the case. As a matter of fact, Mr. Edward Wegmann, one of Mr. Shaw's other attorneys, made a trip to New York for the purpose of attempting to get Mr. Phelan to consent to testify as a defense witness.

It is my sincere feeling that all of the writings of Mr. Phelan and Mr. Aynesworth in connection with this

case are completely professional and factual in nature and are not subject to criticism on any grounds.

I feel that both of these men made a substantial contribution to American justice by divulging to the defense items of information which they personally knew to be factually correct. As a matter of fact, I feel they would have been derelict in their duty not only as journalists but as American citizens had they not volunteered information which they knew to be accurate, knowing that their withholding it might have resulted in a horrible miscarriage of justice.

I have no objection to the publication of this letter.

F. IRVIN DYMOND
New Orleans

MESSRS. WILLIAMS AND PARKS REPLY:

We do not fault Aynesworth and Phelan for being either reporters of the Shaw trial proceedings or participants in Shaw's defense. We fault them for trying to be both at the same time. We also fault their publications for assigning them to cover a highly controversial story about which they had so obviously made up their minds. Journalistic objectivity may be illusory, but that is hardly reason to give way completely to journalistic subjectivity especially on a story that requires weighing competing legal evidence.

the lower case



CCNY president Buell Gallagher talks with reporters after faculty meeting.



BUELL GALLAGHER: Wants out by Monday.

Familiar face

Buell Gallagher, president the City College of New York, appeared as shown on page one of the New York Post of May 5. Then he appeared as shown on the day of his resignation, May 9.

Harlem Moderate Is Murdered

A Black Militant Is Slain in Harlem

One man's militant

Stories on the murder of Clarence 37X Smith on June 14, 1969, carried the headline at left in The Washington Post and the one above in The New York Times.

Photo Survey

By CHARLES MOORE
Index-Journal Reporter

QUESTION: Do you like Daylight Saving Time?



THAT SUDDEN extra hour of sunlight really hurts my flowers — Charlie Beaudrot, Greenwood.

Vox pop

An inquiring reporter for the Greenwood (S.C.) Index-Journal asked a familiar question and got a deserved answer.

Clear sailing

Item from the New York Daily News of July 22, 1969

U.S. Honors the Perth

Sydney, July 21 (Reuters) — The guided missile destroyer Perth became today the second Australian warship to receive the U.S. Navy unit commendation for service in Vietnam. The only other ship to receive the award was American.

Second reading

Walter Lippmann: “the news about the news needs to be told”

■ There can be no higher law in journalism than to tell the truth and shame the devil. . . . If truthfulness were simply a matter of sincerity the future would be rather simple. But the modern news problem is not solely a question of the newspaperman's morals. It is . . . the intricate result of a civilization too extensive for any man's personal observation. As the problem is manifold, so must be the remedy. There is no panacea. But however puzzling the matter may be, there are some things that anyone may assert about it, and assert without fear of contradiction. They are that there *is* a problem of the news which is of absolutely basic importance to the survival of popular government, and that the importance of that problem is not vividly realized nor sufficiently considered.

In a few generations it will seem ludicrous to historians that a people professing government by the will of the people should have made no serious effort to guarantee the news without which a governing opinion cannot exist. “Is it possible,” they will ask, “that at the beginning of the Twentieth Century nations calling themselves democracies were content to act on what happened to drift across their doorsteps; that apart from a few sporadic exposures and outcries they made no plans to bring these common carriers under social control; that they provided no genuine training schools for the men upon whose sagacity they were dependent; above all that their political scientists went on year after year writing and lecturing about government without producing one, one single, significant study of the process of public opinion?” And then they will recall the centuries in which the Church enjoyed immunity from criticism, and perhaps they will insist that the news structure of secular society was not seriously examined for analogous reasons.

When they search into the personal records they will find that among journalists, as among the clergy, institutionalism had induced the usual prudence. . . . only rarely do newspapermen take the general public into their confidence. They will have to sooner or later. It is not enough for them to struggle against great odds, as many of them are doing, wearing out their souls to do a particular assignment well. The philosophy of the work itself needs to be discussed; the news about the news needs to be told. For the news about the government of the news structure touches the center of all modern government.

From “Journalism and the Higher Law” (1920)

